

The AMERICAN MERCURY

VOLUME XII

November 1927

NUMBER 47

TABLE OF CONTENTS

THE BIOLOGY OF SUPERIORITY	Raymond Pearl	257
EGYPT	W. A. S. Douglas	267
TOM HEFLIN	John W. Owens	272
A GERMAN GRANDFATHER	Ruth Suckow	280
EDITORIAL		285
ELEGY IN A MALTY MOOD	Benjamin DeCasseres	288
OFFICERS OF THE COURT	Horace A. Davis	293
AMERICANA		301
A TEXAS CHAIN-GANG	Ernest Booth	306
THE ARTS AND SCIENCES:		
Heat or Heredity?	Emmett Reid Dunn	316
The Yugoslav Speech in America	Louis Adamic	319
BODY'S BREVIARY	Joseph Warren Beach	322
THE GODS CONFUSED	Oliver H. P. Garrett	327
DEADWOOD THE DREADFUL	Duncan Aikman	335
CHURCHES IN THE MORONIC MODE	F. R. Webber	344
FLAT TIRES ON THE FARM	W. G. Clugston	352
DAYS OF WICKEDNESS	Herbert Asbury	359
CLINICAL NOTES	George Jean Nathan	370
THE THEATRE	George Jean Nathan	373
THE LIBRARY	H. L. Mencken	379
THE AMERICAN MERCURY AUTHORS		384
CHECK LIST OF NEW BOOKS		xxx
EDITORIAL NOTES		lxxiv

Unsolicited manuscripts, if not accompanied by stamped and addressed envelopes, will not be returned and the Editor will not enter into correspondence about them. Manuscripts should be addressed to The Editor and not to individuals. All accepted contributions are paid for on acceptance, without reference to the date of publication. The whole contents of this magazine are protected by copyright and must not be reprinted without permission.

Published monthly at 50 cents a copy. Annual subscription, \$5.00; Canadian subscription, \$5.50. . . . The American Mercury, Inc., publishers. Publication office, Federal and 19th streets, Camden, N. J. Editorial and

general offices, 730 Fifth avenue, New York. London office, 38 Bedford Place, Bloomsbury, W.C. 1, London, England. . . . Printed in the United States. Copyright, 1927, by The American Mercury, Inc. . . . Entered as second class matter January 4, 1924, at the post office at Camden, N. J., under the Act of March 3, 1879. Published monthly on the 25th of the month preceding the date. Five weeks' advance notice required for change of subscribers' addresses.

Alfred A. Knopf, *Publisher*

H. L. Mencken, *Editor*

George Jean Nathan, *Contributing Editor*



If you wish, your subscription may begin with any of the books described below . . .

BOOKS THE GUILD HAS DELIVERED

at Half the Bookstore Price

These books sell through ordinary channels at more than twice the cost to Guild members.

1. **The Life of Anthony Comstock** by Heywood Broun and Margaret Leech. "An amazing commentary on the cultural development of the United States from the Civil War down to our own time." Harry Hansen, in *The New York World*.
2. **Mr. Fortune's Maggot** by Sylvia Townsend Warner. "There is health in Miss Warner's ink; gaiety, tonic, wit, tenderness, never lacking real power."—Christopher Morley.
3. **Tristram** by Edwin Arlington Robinson. And, in addition, *Edwin Arlington Robinson* by Mark Van Doren. "Tristram is a poem such as a poor reviewer dreams of finding once in a lifetime . . . Here is a book that your great grandchildren will know even if you neglect it."—John Farrar.
4. **Trader Horn** by Alfred Aloysius Horn and Ethelreda Lewis. "After no fewer than four excited perusals of this astonishing narrative I am purposing to go back to it again."—William McFee.
5. **Tall Men** by James Stuart Montgomery. "It is the method, or style of narration, that entitles 'Tall Men' to a place in the ranks of literature."—A. L., Boston Transcript, 8-6-27.
6. **Circus Parade** by Jim Tully. "Jim Tully cost me a night's sleep by dropping around and leaving an autographed copy of his new book 'Circus Parade'. I finished it at 5 A. M. . . . it is an enthralling tale."—O. O. McIntyre, syndicated throughout the United States.
7. **The American Caravan**, Edited by Van Wyck Brooks, Lewis Mumford, Alfred Kreymborg, and Paul Rosenfeld. A big 866 page survey of the current literary scene, containing original contributions from seventy modern American writers, including Eugene O'Neill,

Witter Bynner, Babette Deutsch, John Dos Passos, Paul Green, Ernest Hemingway, Elizabeth Madox Roberts, Louis Untermeyer, etc. Short Stories, Poems, Essays, Plays, Humor, Philosophy, History, Romance—a bit for every mood.

Comment from Members

Greenville, Miss.—"I fancy 'twill be many a day before you send your subscribers a book to rival your first issue, 'Anthony Comstock.'"—O. A. W.

Rochester, N. Y.—"I was so enchanted with my book 'Tall Men,' that I actually forgot the worldly cares. I was really and truly thrilled with the book."—W. E. K.

Cedar Falls, Iowa—"The 'Trader Horn' is surely a find . . . in the Guild I can't publish another book this year, I would feel satisfied with what I now have. 'Trader Horn' is worth a year's subscription."—E. F. S.

U. S. N. Pensacola, Fla.—"I feel almost ashamed to accept all twelve literary gems for such a ridiculously low monetary consideration. How can you do it?"—F. E.

Baton Rouge, La.—"Congratulate you especially on the selection of Robinson's 'Tristram' for the May book. It is almost worth the entire cost of the Guild series and I might otherwise have missed it in the daily rush."—W. B. H.

Brooklyn, N. Y.—"A friend has asked me about joining another book club, and I have advised him to consider your proposition. I have just completed 'Tall Men.' Your selections always please me."—A. R. W.

New York City—"I love the charm and beauty of 'Mr. Fortune and his Maggot.' It is the first time I have read the subject so exquisitely handled—I had to tell you of my happiness that I had the sense to see the golden hours of beauty that lay in the path of the Guild."—E. R.

The American MERCURY

November 1927

THE BIOLOGY OF SUPERIORITY

BY RAYMOND PEARL

PLATO was greatly concerned about the "inborn qualities of the race." In his plans for an ideal state the body of ideas that we now call eugenics had an important place, and in a practical as well as an academic sense. "Breeding better men" was a matter, he said, upon which the state should ever keep a watchful eye, and encourage in all possible ways. Only so could there be assured an adequate supply of superior persons, capable of properly managing the affairs of the commonwealth.

But projects for the really basic uplift certainly did not begin with Plato. They must have entered the minds of much earlier philosophers. Is it likely that the users of that paleolithic palace, Font de Gaume, cavernous it is true, but the finest of all in the prehistoric metropolis now called Les Eyzies, had no notion of a truly genetic aristocracy? Of course they did. So intelligent and cultivated a lot of people as they were must have been just as keen as any bargain-counter baron to pass on to their descendants the material and spiritual advantages associated with a superior position in the tribe. And can there be any doubt that the Old Stone Age mayors, district attorneys, and Senators were quite as sure as our best Nordic citizens that it was good for the tribe to have its affairs managed by the superior individuals in it?

Such aristocratic ideas must have prevailed from the remotest antiquity. But they achieved scientific rationalization only just recently. Few more original or generally superior persons have ever lived than Francis Galton, who was the first one to undertake seriously the collection and analysis of observational data for the purpose of finding out the laws of heredity in human kind. From its very beginning Galton's interest in the problem of human inheritance was animated by the eugenic idea. He labored to know the laws of heredity so that we might intelligently and systematically improve the inborn qualities of the race.

There are to be noted in Galton's work on eugenics two distinct aspects, just as in that of nearly all those who have followed him in this field. The one phase is the detached, objective investigation of the phenomena of human inheritance; the other is the propagation of eugenic ideas and commandments in the emotional and intellectual soil of the race. The former has its roots in pure intellect, the latter in emotion. In Galton's case these two phases were, on the whole, successive in time, with relatively little overlapping. This temporal disparateness has not always been so distinct in the efforts of some of his followers. To the first phase of Galton's work belong his great classics, "Hereditary

Genius" and "Natural Inheritance." The second phase had its climax in the formation of the Eugenics Education Society of England, now the Eugenics Society, which furnished the model for similar organizations all over the world.

The methodology of Galton's investigations of human inheritance was essentially and fundamentally statistical, and out of it grew the modern science of biometry. He handled two kinds of material, with a difference in method primarily growing out of the difference in the data. In such studies as "Hereditary Genius" he, in effect, counted the number of relatives, ancestral and collateral, of persons who were themselves in fact superior, or at least occupied in their time a distinguished position among their fellows. He believed that among such relatives those who were in fact superior or occupied a position of distinction in society were more numerous than was to be expected on the supposition that one person was as likely as another to be superior or distinguished, regardless of their ancestry. This conclusion has been generally accepted, on the basis of Galton's investigations, and those of many subsequent workers by the same method. But that there are serious difficulties and pitfalls inherent in this methodology has always been recognized by critical geneticists.

Galton's second category of material and method is exemplified in "Natural Inheritance." In that investigation certain physical characteristics of individuals, and their ancestral and collateral relatives, were objectively measured, with as great a degree of precision as was attainable in the circumstances. Then correlation tables were set up between different groups of kin—such as fathers and sons—and the correlation existing relative to the measurements taken was evaluated. These correlations were found to be generally positive, sensible in magnitude, and orderly in their relation to the closeness of the genetic kinship of the relatives involved. The results led to the formulation of what was called the Law of Ancestral Inheritance.

Substantially all of Galton's investigations on inheritance were made in complete ignorance of, because prior to, the two classical foundations of our present knowledge of genetics, the work of Mendel and Johannsen. The fundamental thing which these two investigators taught us, which altered completely not only the interpretation of the phenomena of heredity but also the methodology by which they can most successfully be studied, was that the bodily appearance or characteristics of an individual give no guarantee as to what the appearance or characteristics of his ancestors were, or what those of its descendants will be. A black hen mated to a white cock may have barred offspring. And both the black hen and the white cock may each have had barred parents. A large bean may throw uniformly smaller offspring than a small bean. As we now know, the relation between the bodily characters of parent and offspring depends, not upon what the bodily characters of the parents were, but instead upon their genetic constitutions—the genes which they carried in their germ cells.

But the theory which underlay the methodology of all Galton's investigations of human heredity, and the philosophy of his outlook and conclusions, was that the mechanism of heredity was such that children of superior men have "an enormously greater chance of turning out to be gifted in a high degree" than the children of ordinary men. This became the foundation of his eugenic teaching. If one could manage to select only superior human beings for breeding, "so a race of gifted men might be obtained," it was held. But Johannsen showed, with the utmost clarity, and a finality that has not been successfully challenged, that a race of superior beans was not to be bred that way. The only certain guarantee of the worth of a bean for the breeding of a superior race was not its own superiority, but the superiority of its progeny. Some superior beans gave superior progeny, but so also did some inferior beans. Precisely similar

results were obtained in a long-continued experiment at the Maine Agricultural Experiment Station in selecting hens for high egg production. For more than ten years only the highest layers were used as breeders. But a superior race was not produced. On the contrary the average production of the flocks steadily declined during the period. Taking the same stock at the end of this trial, however, and intelligently using the progeny test as the basis of perpetuation of breeding lines, it was possible to raise the level of flock production to a high position and hold it there. Some years ago I reviewed the literature regarding the actual mode of origination of the superior breeds of domestic animals and plants, and showed that there was no evidence whatever that these breeds had been produced by the method of gradually accumulating small superior bodily variations by continued selection.

There is no necessity for going further into the now ancient history of the selection problem. I wish merely to emphasize that the great founder of the science of eugenics as it exists today did his splendid pioneer work without the benefit of the exact knowledge of the mechanism of inheritance which has accumulated during the last quarter of a century.

II

Broadly speaking, the bulk of eugenic investigations of the present day proceed along the following lines. As extensive pedigrees as possible are collected for human beings, the *propositus* being usually selected because of some interesting characteristic which he bears, such as musical talent, or poverty, or hare-lip, or arthritis deformans, or a bald head. The data recorded in these pedigrees are then subjected to analysis according to one or the other of two methods, the one chosen depending upon the school of eugenics to which the investigator belongs.

One of these methods of analysis, the statistical or biometrical, seeks to measure

the correlations existing in the material between kin of different sorts and degrees, relative to the character under discussion. While enormously developed and refined in its technique, as compared with Galton's, the method differs in no way in principle from his. Its philosophy is precisely the same and has rested serenely unaffected by all the developments of exact genetic knowledge since the re-discovery of Mendel's laws.

The second method of analysis of human pedigrees in present eugenic vogue derives directly from Mendelism. In fact, it seeks to describe such pedigrees in terms of simple Mendelian ratios. In some cases it has been in the highest degree successful, in that it has demonstrated beyond reasonable doubt exactly what the mechanism of the inheritance of certain human characters is. A simple example of this must suffice here. The blue eye-color of human beings has been conclusively shown to be inherited as a simple recessive Mendelian character. Two really blue-eyed parents will have only blue-eyed children. Two non-blue-eyed parents will either have no blue-eyed children at all, in which case one or both of the parents are hereditarily pure for the absence of the genes which make eyes blue; or one out of every four of their children will be blue-eyed, while the other three are not. This latter distribution of eye color happens when both parents carry in their germ cells both the genes which make blue eyes, and the genes which make other colored eyes.

A number of other cases, nearly or quite as well established as this, might be cited. Altogether there is sufficient evidence to demonstrate the broad fact that in those characters of the human organism where the mechanism of inheritance happens to be simple enough to permit of conclusive elucidation by statistical methods alone, as contrasted with the experimental breeding tests which can be used with lower animals and plants, this mechanism is precisely the same in principle as that which obtains in other animals than man, and in

plants. In other words, all the most critical evidence indicates that man is not different from other forms of life in respect of the mechanism by which his characters are inherited.

If those characters of human beings which are capable of precise genetic analysis are found to follow a simple Mendelian course, when studied by the relatively unsuitable method at our disposal in the case, it is a reasonable inference that the genetically more complex characters behave in an equally lawful manner, which is merely too involved for non-experimental methods of analysis. But critical caution needs always to be exercised here. Eugenics has fallen in some degree into disrepute in recent years because of the ill-advised zeal with which some of its more ardent devotees have assigned such complex and heterogeneous phenomena as poverty, insanity, crime, prostitution, cancer, etc., to the operation of either single genes, or to other simple and utterly hypothetical Mendelian mechanisms. But discounting all such stupidity, because in the long run it is certain to have only its just effect upon the progress of human biology, the solid achievements of critically scientific eugenics up to the present time are unquestionably considerable. The chief criticism which can fairly be made of really scientific eugenics is that what is too often overlooked is the enormous difficulty of working out the particular genetic mechanism of any character in an organism which cannot be experimentally bred in the ways necessary to establish conclusively the real situation.

III

The propaganda phase has always gone along hand in hand with the purely scientific, from the very beginning of the development of eugenics. And in recent years the two phases have largely lost their original disparateness and have become almost inextricably confused, so that the literature of eugenics has largely become

a mingled mess of ill-grounded and uncritical sociology, economics, anthropology, and politics, full of emotional appeals to class and race prejudices, solemnly put forth as science, and unfortunately accepted as such by the general public.

No scientific man ever likes to admit that he is engaged in enterprises which savor in the smallest degree of propaganda. When he is so occupied he customarily sets up a defense mechanism, and calls his labors education, promoting the public welfare, or by some other such noble cognomen. This soothes his own qualms and may fool other people, especially if they are not very penetrating. Propaganda is, however, a subtle and insidious reptile. Its chief characteristics are two in number. The first is that its objective is always "to promote the interests of those who contrive it, rather than to benefit those to whom it is addressed." Those who engage in it "may genuinely believe that success will be an advantage to those whom they address, but the stimulus to their action is their own cause."

The second characteristic of propaganda that marks it is its indifference to the truth. "Truth is valuable only so far as it is effective. The whole truth would generally be superfluous and almost always misleading." These quotations are from what is probably the most candid, cold-blooded, and penetrating analysis of propaganda ever made, contained in the article by the distinguished English zoölogist, Dr. P. Chalmers Mitchell, on the subject, in Vol. 32 of the twelfth edition of the Encyclopedia Britannica.

The concern of the scientific geneticist in eugenics propaganda arises from the fact that it is carried out *in his name*. The public is told that the eugenic *pabulum* it is fed is the last and considered word from the science of genetics. Let us see.

Without going into details, a rather extensive acquaintance with the literature of eugenics leads to the conclusion that the following are the chief doctrines that are being publicly propagated:

1. That all important characters of human beings, physical, mental, and moral, are to such an overwhelming degree determined by heredity—in the sense that those characters will be similar in the offspring to what they were in the parents—that any other factors which may be involved in their determination are relatively unimportant from a racial point of view.

2. That since superior people will thus necessarily have, in the main, superior children, and inferior or defective people will necessarily have inferior or defective children, in the main, the welfare of the race demands that every possible means should be taken to encourage superior people to have large families, and to force inferior people to have small families, or even better none at all.

3. That some races of people are superior to other races, and that intermixture or even contact of the superior with the inferior should be prevented by exclusive immigration laws.

As an explanatory corollary to these theses it should be said that by superior people, whether individuals, classes, or races, seems always to be meant either:

- a. "My kind of people," or,
- b. "People whom I happen to like."

Thus we are told that college and university graduates, and particularly professors, are genetically superior people, taken as a class, as are also the economically well-to-do. The Italians are proud of themselves, of their history, and of their ancestry, noble in its achievements; but the now existing immigration law of the United States attests that they are an undesirable, and therefore by implication, inferior race.

In this connection one is reminded of the correspondence between Galton and Darwin in 1872 and 1873. Galton had conceived the idea of an Eugenic Register, in which superior people were to be listed, as a sort of genetic aristocracy, and wrote to Darwin to ask him what he thought of the scheme. Darwin was politely lukewarm about it, and said in the course of his reply: "But the greatest difficulty, I think, would be in deciding who deserved to be on the register. How few are above mediocrity in health, strength, morals and intellect; and how difficult to judge on these latter heads!" This somehow brings to mind, when considered in connection with the

feverish and frequently successful efforts of brash eugenicists to influence legislation, that ancient jest which tells of the timorousness of angels about where they shall tread.

Leaving aside all discussion of what might perhaps be called the broad humanitarian aspects of these eugenic theses, I wish to submit that they are all based upon, and derive their entire meaning from what is now known to be a profound fallacy. This fallacy is that the essence of heredity is comprehended in the statement that like produces like. The epoch-making achievement of genetics during the last quarter of a century is the complete, comprehensive, and general demonstration that heredity does *not* mean that like produces like. Has the superlatively important lesson which Johannsen's beans taught the world been so soon forgotten? Or have the eugenicists never heard of it? Apparently not. For their public teaching, their legislative enactments, and their moral fervor are plainly based chiefly upon a pre-Mendelian genetics, as outworn and useless as the rind of yesterday's melon. With a curious lack of even literary consistency they always begin their books with an explanation of the principles of Mendelian inheritance, and then in succeeding chapters preach social and biological doctrines which not only have no relation to the operation of these principles in the reproduction of *Homo sapiens*, but which also in many cases could not possibly be true if these principles did operate.

I know of no one better qualified at this moment to speak about the science of genetics in relation to human affairs than Professor Thomas Hunt Morgan. This is what he has to say ("Evolution and Genetics," 1925, pp. 206-207):

I am inclined to think that there are considerable individual differences in man that are probably strictly genetic, even though I insist that at present there is for this no real scientific evidence of the kind that we are familiar with in other animals and in plants. I will even venture to go so far as to suppose that the average of the human race might be improved by eliminating a few of the extreme disorders, however they may have

arisen. In fact, this is attempted at present on a somewhat extensive scale by the segregation into asylums of the insane and feeble-minded. I should hesitate to recommend the incarceration of all their relatives if the character is suspected of being recessive, or of their children if a dominant. After all, these segregations are based on humanitarian principles, or for our protection rather than for genetic reasons. How long and how extensively this casual isolation of adults would have to go on to produce any considerable decrease in defectives, no informed person would, I should think, be willing to state.

Least of all should we feel any assurance in deciding genetic superiority or inferiority as applied to whole races, by which is meant not races in a biological sense but social or political groups bound together by physical conditions, by religious sentiments, or by political organizations. The latter have their roots in the past and are acquired by each new generation as a result of imitation and training. If it is unjust "to condemn a whole people," meaning thereby a political group, how much more hazardous is it, as some sensational writers have not hesitated to do, to pass judgment as to the relative genetic inferiority or superiority of different races.

If within each human social group the geneticist finds it impossible to discover, with any reasonable certainty, the genetic basis of behavior, the problems must seem extraordinarily difficult when groups are contrasted with each other where the differences are obviously connected not only with material advantages and disadvantages resulting from location, climate, soil, and mineral wealth, but with traditions, customs, religions, taboos, conventions, and prejudices. A little goodwill might seem more fitting in treating these complicated questions than the attitude adopted by some of the modern race-propagandists.

IV

The broad meaning of the principles of Mendelism, as applied to an organism like man, necessarily reproducing bisexually and always heterozygous relative to a large number of his inherited characteristics, is that an enormously wide variety of new and different combinations of qualities is always possible, and may be expected to appear in some degree in virtually every mating. Some of these combinations may be good and some may be bad; some may be of such sort that they have their expression greatly influenced by the environmental circumstances under which their development takes place, while others will be capable of but slight modification by any environmental influences consistent with the continued life of the individual.

In such a genetic situation it is clear that any attempt to predict what the bodily characteristics of the human offspring will be from an examination, however careful, of the bodily characteristics of the parents, or those of the ancestry generally, is doomed to even worse failure than it meets in the simpler cases presented by lower forms, such as fowls or beans. That this is the meaning of modern genetics in the breeding of mankind, has been most lucidly explained to the general reader (and to the eugenicist) by Professor H. S. Jennings in his latest book, "Prometheus," published lately in the "Today and Tomorrow" series.

Under these circumstances it is plainly desirable to reexamine the old eugenic questions and the data on which they are based, to see how they stand interpretation by the established principles of modern genetics, in place of a piece of outworn folklore that never was true.

To "breed better men" is the slogan of positive eugenics. And it is a good one. Mankind always has and always will have need for superior men to be discoverers and leaders. The practical question is: How are such men to be produced? The answer of current orthodox eugenics is: By getting the existing superior people to breed more and the inferior people to breed less, on the ground that superior persons will have superior offspring. But, as we have seen, the exact science of genetics does not support this doctrine. We must then examine the question *de novo*. There is, unfortunately, but one way by which such an investigation may be made, if the inquiry is to be strictly specific to man. This method involves the doing of two things. The first is to find out what kind of people have, in the past history of the world, produced superior offspring. The second is to find out the extent to which persons of universally recognized and admitted superiority had superior children.

In preface to the account of my own investigations I wish to emphasize that there is a difference of great biological as well as

social importance between human superiority and human distinction. Of the distinguished men living today, and at any time in the past, some are superior and some are not. Those who are not owe their distinction to the position which they happen for a time to occupy in the human social organization. It would be improper to mention the names of living persons by way of illustration. But it is not necessary. I only ask that one think over the persons who happen at this moment to occupy the positions of the highest distinction and power in the conduct of human affairs and decide how many of them are persons of innate superiority, and how many owe their position either to a political or some other accident, or to the power of intrigue or money, or to the fact that the position they hold is itself inheritable, in the sense that it may be and often is passed on to members of the family or to friends. Suppose that we had show-rings for human beings as we do for cattle, and adequate methods of judging human qualities. How many of the persons of the greatest public distinction today would carry away blue ribbons for personal superiority in either physical, mental, moral, or æsthetic qualities, in free and open competition?

This consideration means that in investigating the breeding of superior men we must classify our material in such a way as to keep as clearly marked as possible the difference between superiority and distinction.

Another point of great importance in any such investigation is to have objective rather than subjective criteria, so far as possible, for both distinction and superiority. The old war-cry, "like produces like," is responsible for a dreadful lot of unconscious bias in such matters. Nearly everybody feels emotionally that a great man ought to have had personally distinguished or superior parents. So nearly all biographers, whether of the auto- or hetero- variety, do their best to show that this was so. If an observable tendency in Shakespearean commentary in England

continues at its present pace much longer, I judge it will ultimately appear that Shakespeare's father was an even greater man than *he* was! As a matter of fact the father was the greengrocer and butcher of the town, doubtless an amiable and useful citizen, but after all probably not greatly different from greengrocers and butchers in general. Whereas Shakespeare himself was really a quite superior man in his chosen line of endeavor.

V

During the past year, at a considerable cost of time and labor, I have made out a card for every person to whose biography one whole page or more of space is given in the current edition of the Encyclopedia Britannica. The criterion of one whole page of space, as a minimum requirement for inclusion in the list, makes a severe selection. It includes, with a few exceptions, only the *most* distinguished persons of whom there is historical record, and it includes substantially all of these. The criterion of selection is so high that in most fields of human endeavor the effect of the national origin of the source used is annulled. Only persons of world-wide distinction get a whole page or more of space.

We thus start with a list of the most eminent persons of whom there is record. We then ask whether their parents or their children were of sufficient distinction to get a biographical notice of any length whatever in the Encyclopedia Britannica. This is a strictly objective criterion. If a man's father has a separate biographical notice the man may rightly be said to have had at least one distinguished parent. And it must not be supposed that the parental criterion is too severe. The Encyclopedia Britannica contains well over 25,000 biographical notices of one sort or another, according to my estimate. Many of the short notices pertain to persons whose claim to distinction was certainly not great—in fact, often very slight indeed. But I have not stopped here. Instead, care-

ful search has been made through the biographies of the distinguished men themselves, and if any statement could anywhere be found indicating that either the parents or the children of these men were in any particular noted or superior, beyond the one respect of being kin to a great man, this evidence has been set down to the credit of the relative.

After being filled out the cards were classified into three main groups, as follows, for reasons which will be apparent:

1. *Rulers*, including monarchs, presidents, popes, etc., being persons whose distinction in every case derived in some part from the position held, and in many cases entirely so.
2. *Statesmen*, including politicians, diplomats, reformers, etc., being persons whose distinction also in some degree, but perhaps on the average a smaller one, rested upon their position and the circumstances of their times.
3. *Others*, being persons whose distinction in the main derived solely from their own personal superiority.

The total number of persons passing the high criterion of distinction was 1011. Of these 588 fell in the third class, in which the individual's distinction rests almost wholly upon his own personal superiority, in one direction or another. No accident of position or political influence can make anybody one of the 66 greatest artists the world has known, for example, nor can such things make one a great poet or philosopher.

Within the limits of this article it is possible to discuss only the merest fraction of the data. But the results of the whole investigation will presently be separately published in full detail. Here only two groups will be discussed, the philosophers and the poets. These groups are chosen because there can be no question, I think, about their distinction resting almost wholly upon their sheer superiority over their fellow men.

There are 63 philosophers who pass our criterion of great eminence. The average amount of space devoted to each of them in the *Encyclopedia Britannica* is 1350.2 mm. (The measurements were all made from the Handy Volume Edition.) This

average is nearly four full pages. It impressively testifies to the fact that these were indeed eminent philosophers.

Regarding their parents the facts are as follows: Those of 15 are either wholly unknown or are unmentioned. This fact indicates that they were certainly not persons of distinction. There are left 48 great philosophers about whose parents there are definite records. What their fathers were is shown in the following tabulation:

Petty political office-holders	6
Higher political office-holders	5
Merchants and shopkeepers	4
Lawyers	4
Clergymen of small parishes	4
College or university professors	4
Physicians	3
Watchmakers (one of whom was "dissipated, violent-tempered and foolish")	2
Weavers	2
Farmers or peasants	2
Of titled family	2
Soldier, "citizen of London," saddler, "illiterate and criminal," manufacturer, clerk, shoemaker, fisherman, historian, schoolmaster (each)	1
Total	48

Of these 48 fathers, just two were sufficiently distinguished to leave public record of that fact. One mother was enough of a personage to leave a record for posterity. The average space devoted to these three parents in the *Britannica* is 185.3 mm.

Taking the list of fathers as a whole, it is perhaps as fair a cross-section of men in general as one could expect to attain in a sample of 48. It is mainly composed of mediocre people, with a few superior persons in the lot, and a few badly inferior. But to try to make a case from this list, that 48 out of the 63 most eminent philosophers that the world has ever known were engendered by superior persons, would be arrant nonsense. Some of these parents would have been segregated or sterilized if the recommendations of present day eugenical zealots had been in operation. And I estimate that a good half of these fathers would have been urged to curb their reproductive rate in the interest of the "race." As a matter of fact, the particular combinations of genes which made

these greatest philosophers were derived from just an average lot of human beings. And this is precisely what would be expected if the established principles of Mendelian inheritance are correctly applied to human reproduction, on the basis of all that we now know.

Let us turn next to the children of these 63 most eminent philosophers. No one can deny that these men were themselves superior persons. Beside their philosophical teachings, they ought, on current eugenic doctrine, to have done a lot for the world by leaving behind superior progeny. What are the facts?

Thirty-six of these 63 men either are certainly known never to have married or had children, or there is no record that they ever did either. In either case it is certain that they left no distinguished progeny. Nine married but had no children. This is a ghastly record, which will bring sorrow to the heart of every upstanding eugenicist. But there may still be hope. Perhaps the 18 who are recorded as having some children produced such a scintillating lot of offspring as to make up for the lack of either public spirit or potency on the part of their colleagues. Alas, the case goes not so. Two of the 18 had illegitimate children only, and no good came of them. Eleven of the remaining 16 produced children of no distinction or superiority whatsoever. Indeed some of them are specifically described as "dull and fatuous." Five only out of the world's 63 greatest philosophers produced children who were either gifted or distinguished or both. Three of the 5 had children of sufficient distinction to get separate notice in the *Encyclopedia Britannica*.

Let us turn now to the poets. There are 85 in the list, one of whom is a woman, Elizabeth Barrett Browning. They receive an average of 1097.6 mm. of space. The fathers of 13 are either wholly unknown or there is no record of them. In either case they certainly cannot have been distinguished persons. The remaining fathers were as follows:

Of titled family	12
Merchants, tradesmen, or shopkeepers . . .	11
Farmers or peasants	8
Clergymen of small parishes	7
Wealthy, but otherwise undistinguished . .	6
Lawyers	4
Country squires	3
Clerks	3
Petty political office-holders	3
Poets	2
Higher political office-holders	2
Military commander, inn-keeper, "libertine," musician, priest of idol, money-lender, hostler, broker, university professor, army surgeon, weaver . . . (each)	1
Total	72

Of these 72 fathers, there were three only who achieved sufficient distinction to get separate mention in the *Encyclopedia Britannica*. The average length of the articles devoted to them is 159.3 mm. Broadly speaking, the case for the parentage of poets is like that for philosophers. These fathers were most certainly not a homogeneous lot of superior, "eugenically desirable" people, as the doctrine of the propagandists would have it.

The chief differences between the poets and the philosophers in respect of parentage seems to be that there was somewhat more wealth back of the poets, and that more of them came from titled families. Just such differences might perhaps have been expected. They suggest the possibility that certain kinds of favorable environmental influences may help in the production of great poets.

The case regarding the production of eminent *children* by the greatest of the world's poets is so nearly like that already discussed for the philosophers that I shall not take the time to detail it.

VI

Altogether one concludes that the remark of a wise and witty French woman, made in another connection, has a certain appositeness in the present one: "*La paternité est et ne saurait jamais être qu'un acte de confiance.*"

While space is lacking for further exposition of my results here, it may be said

that, in general, they are *objectively* much the same as Galton's. The difference is chiefly in the interpretation. He found in his investigation of English judges ("Hereditary Genius," 2nd edit., p. 55), that each 100 eminent judges had only 9.1 fathers of any degree of eminence whatever, and his criterion of eminence among the kinsfolk of great men was objectively a rather low one. This means that 90 of each 100 of these highly eminent judges were produced by entirely mediocre people. In other words, *nine times* as many distinguished men were produced by mediocre people as were produced by eminent people, on a low criterion of parental eminence. Contrast such a result as this with the operations of a modern plant-breeder, who produces stable superior races by the application of established genetic principles!

Furthermore, Galton found that each 100 eminent judges produced only 12.6 sons of any degree of eminence whatever. Making due allowance for the more objective and somewhat higher criterion of eminence in the kinsfolk which has been used in the present investigation, its objective results are in good accord with Galton's. But what a ridiculous basis do such results furnish for the eugenic dogma that only superior people should be encouraged to breed freely!

To summarize: The status of eugenics at the moment is that critical studies of human inheritance have, in the first place, firmly established the fact that certain

human characteristics are inherited strictly in accordance with those genetical laws which have been found to govern inheritance in lower animals and in plants; and, in the second place, have made it probable that other and more complex human characters also follow established genetic principles. On the basis of what is now known of genetics, both for human beings and other forms of life, it is to be expected that a wide variety of new and different combinations of genes may occur in virtually every mating of human beings, some of which combinations may be good, some bad, and some indifferent. Certainly modern genetics gives no support to the view that the somatic characteristics of the offspring can be predicted from a knowledge of the somatic characters of the parents. In preaching as they do, that like produces like, and that therefore superior people will have superior children, and inferior people inferior children, the orthodox eugenicists are going contrary to the best established facts of genetical science, and are, in the long run, doing their cause harm.

A new *ad hoc* investigation of the breeding of great men shows that the facts are in full accord with the expectation from established genetic principles, and not at all in agreement with current eugenic dogma. It would seem to be high time that eugenics cleaned house, and threw away the old-fashioned rubbish which has accumulated in the attic.

EGYPT

BY W. A. S. DOUGLAS

IN WARTIME I had unconsciously done the editor a trifling favor, but I had forgotten the circumstances long since. When I walked into his combination newspaper and job printing office a few days ago he dropped a fistful of proofs and rushed at me with both hands stretched out in welcome. It seemed, from what he told me, that I was in a measure responsible for his business success.

I first met him when he was superintending the activities of a detail of potato-peelers in a battalion cook-house. I had missed the noon meal at the place where I was due to get it and was foraging. He fixed me up with two ham-and-egg sandwiches, a beaker of coffee, and a lot of conversation. I learned then that we were both of a trade. Scribblers. In addition he was a born cook.

From then on, while I remained in that camp, my breakfast problem was solved. Being the expert malingerer that all old soldiers are, I so arranged my day's toil that I did not have to begin it before ten of the morning. Thus I could sleep till nine. The difficulty about that was that breakfasts shut off all over the place hours before my private reveille.

I had been eating in my new-found friend's cook-house about two weeks when one bright morning the depot brigade commander came clanking in, looking for trouble. I had just finished a whole grapefruit. Before me was a minute steak sprinkled with chives and cooked in butter. To one side was a stack of golden brown French-fried potatoes. To the other, a plateful of toast. A jug of coffee and a pot of red currant jelly completed the lay-out.

The colonel stared at me a moment wall-eyed. But we had learned to understand each other long before this. Time was when he had toted a rifle and a bayonet, foot-slogged and sounded out with the best of them.

He swallowed the water in his mouth. "How come, Loafer, how come?" he shouted.

I pointed with my fork at the young man who had prepared the repast. The commandant straddled the bench opposite me, sat down and unbuckled his belt.

"Make it two, Oscar," he yelled at my cook.

"Here," he continued—and he grinned in anticipation—"is where I pick up the first decent meal I have had since they hooked me up with this lousy outfit."

That same night the cook's name appeared in orders. He was promoted to sergeant and appointed purveyor to the officers' mess, at that time caring for about two hundred and fifty commissioned men. Great pickings!

I departed for other fields shortly after, but the editor stayed on his new job until his discharge from the army, nine months later. He must have practised the most rigid economy on his pay of \$55 a month, for he told me that he came out with a bank-roll of \$2500. He had gone in with seventy-five cents! Strange but true, as many an ex-soldier can testify. I have met members of that mess and have yet to hear one who complained of the chow set before them. So apparently everybody was satisfied.

With his savings the former cook invested in the little newspaper he was now

running, and it pleased him to repeat that his present prosperity was due to the fact that I had paraded his talents before the brigade commandant.

This was in Egypt, where the editor had settled—that interesting bottom end of Southern Illinois watered by rivers as muddy and sluggish as the Nile and captaled by the city of Cairo. It is rich farming country, and where it is not that it is even richer coal country. Its towns have figured much in the public prints of late, especially in those journals that specialize in murder. Herrin, Benton, Marion and Harrisburg—their names have been blazed all over the nation in the matter of killings, Ku Klux riots, gang and gunmen activities, rum-running, bootlegger-feuds, and the like.

"However, we sparkle," the editor told me as he closed his desk, dragged on his coat and pushed me through the door to the street. "Our night life is the most cosmopolitan thing this side of Paris. I'll show you."

II

I stared down the tree-lined road. A flivver or two stood at rest in the shade. I counted five people on the sidewalks, taking in territory as far as my eye could reach. Two blocks away, a freight train was chugging back and forth on the tracks. The burg was apparently sound asleep.

"What! Here?" I asked him—and I laughed.

"No, I never dirty my own doorstep," he answered, very dignified indeed. "Not but what I could provide a pleasure or two right here if I wasn't as circumspect as I am. But you'll stop laughing before the sun rises."

We rode for an hour past rich farms and through tiny hamlets and so into a town slightly larger than the seat of the editor's activities. He pulled up in front of a decent looking little hotel, disappeared inside, and emerged a few moments later with a companion. I was then introduced to a

Mr. Seligsburg, a pleasant Jewish gentleman. He informed me that he represented an Eastern trunk and bag manufacturing company. He had, it seemed, made contact with the editor on the day before, and, like myself, had been promised a glint of the white lights.

It was dusk by now and the electric lamps were burning. We drove on for about two blocks, past a corner where a pair of swing doors brought back certain memories.

"Wide open," I remarked.

"The expression is inadequate," answered the editor.

He herded us inside. We found ourselves up against a long bar with the usual gentleman in a white apron officiating. The floor was sanded and half a dozen tables were ranged against the wall. About twenty citizens were engaged in the business of drinking when we entered. They all knew the editor.

"Hullo, John," came a chorus.

"Hullo, John," smiled the bartender. He wiped his hands on his apron and exchanged grips as Mr. Seligsburg and I were presented as regular guys.

"What's it going to be, boys?" asked White Apron.

"Three half-and-halves," ordered the editor. "You'll like this," he told us. "It's a great drink."

The bartender placed before us what were once called small beer-glasses. Into each he poured a measure of a dark red, rather thick liquid, and then he topped it with an equal portion of a clear white fluid.

"What is it?" asked Mr. Seligsburg.

"Half home-made port wine and half home-made corn liquor," answered the editor.

"I'm scared of corn liquor," said Mr. Seligsburg dubiously.

Everybody turned round to look at him. No animosity in the scrutiny. Just pained surprise. A gentleman in overalls acted as spokesman for the Egyptians.

"Stranger here?" he asked.

"New York," answered Mr. Seligsburg. "Well, now, that explains it," said Overalls. "You ain't never drunk the corn we make in Egypt."

"Swallow that," he said suddenly with a sort of menace in his tone.

Mr. Seligsburg put the liquor to his lips, tasted it, and then tossed it down in one swallow.

"That's a drink," he said, putting down his glass. I tipped my own, as did the editor. It was sweet and potent, devoid of oil or smell.

"Just kind of knew you'd change your mind," beamed Overalls.

III

"Call the sheriff," spoke the editor to the bartender.

"Whatever for?" I asked nervously.

"Think I'd bring a buddy of mine into this man's town and not have him meet the dignitaries?" he answered. "You'll shake hands with the sheriff. He'll like you and he'll send for the mayor. You don't know the heart that beats in Egypt. But you'll learn."

While the bartender busied himself at the telephone, the editor led us outside and pointed straight across the street.

"There," he said, raising his hat as he spoke, "is the Roman Catholic church."

Then he pointed diagonally across to a frame building sporting a large wooden cross.

"That," he explained, "is the headquarters of the Ku Klux Klan."

He swung us both half right and pointed again. This time to a pretty little brick church standing above the road on a well-kept green lawn dotted with rustic benches.

"There's the Methodist church," he told us, and then turned us again till we faced the swing doors through which we had come out. "Let's have another drink."

In the midst of this one the sheriff arrived. A big broad-shouldered fellow. A native of Kentucky, who had drifted this far north in his youth.

"He's a Republican and a Klansman," explained the editor. "And he's proud of it. As proud as I am of being a Catholic. Aren't you, Harry?"

The sheriff nodded his head.

"I tell you," continued the editor, "we're real cosmopolitans around here. We're effervescent."

The sheriff, it seemed, had had a snorter or two previous to this meeting. He weaved slightly and clutched now and again at the bar, but declared that a couple of the half-and-halves would steady him. So he belted three measures of port wine and corn liquor and then went into a long dissertation on the excellence of the latter as brewed in Egypt. It was apparently a matter of great sectional pride, judging from the way that all the Egyptians spoke of it.

The sheriff took a bottle and poured a measure of the corn into a glass. Then he took several sprigs of mint, squeezed them tightly over the drink and dropped them in. To this he added a drop of white syrup. He stirred the concoction with his trigger finger.

"Drink that yere," he said to me.

I did, found it quite palatable, and said so.

"As I see it," he declaimed in his native dialect, "it's jest the lovin' cyaah the fahmehs gives to the makin' of this yere man's drink. Nothin' that's bootlegged yere fohm fohin paats can touch ouh 'gyptian cawn."

He swallowed another noggin.

"It's jest the lovin' cyaah," he continued, and then thumped the bar so that the glasses rang. "An' that's why the — — keeps a votin' dry."

We all had another and then the sheriff announced that it was meet that the mayor should come down and greet those whom the editor was now terming guests of the city. The bartender took over the duty of letting the chief executive know that he was "wanted before the bar pronto."

Apparently this was a standard pro-

cedure, for in ten minutes the mayor arrived. A little skinny man, as hospitable and anxious to please as his fellow official.

"Now I'm going to prove to you just how cosmopolitan we are around here," shouted the editor. "Look at the folks I've gathered here to meet you. Here's Seligsburg, a Jew and a wet. Here's the mayor, a Democrat, a Methodist and a wet. Here's the sheriff, a Republican, a Klansman and a wet. Here's me, a Catholic, a Socialist and a wet. All sorts of creeds united in one holy cause!"

"To hell with Prohibition!" bawled the sheriff, his glass held high. We all drank to the sentiment, including the balance of the customers scattered along the bar and at the tables.

IV

Time passed quickly, as it always does in pleasant company. The conversation was brilliant and interesting—or so it seemed to me under the urge of the frequent half-and-halves. We talked of politics, county, State and national. More than an hour so passed. The sheriff had been silent for several moments and so the editor's attention was directed to him in the midst of an encomium of Al Smith.

"What's the matter, Harry?" he cried, hastening to him. As he caught him by the arm, the sheriff gulped ominously, looked about the place wildly, and then made a mad dash for the door. He staggered across the street and came up against the side of the Catholic church.

The editor, Mr. Seligsburg and I had reached the swing doors in pursuit.

"My God, he's not going to do that if I can help it!" yelled the editor. He raced across and caught his friend round the waist, at the same time jerking his head back.

"Harry," he shouted, "you mustn't be sick against the church! For my sake, Harry!"

The sheriff gulped and threw his head even farther back. He half broke away,

as if willing to head for some other place.

The editor got his arm round him again and started to steer.

"Come here and help me," he yelled to us. I had on a new suit of clothes, and no Klan sheriff, no matter how big-hearted, was going to spoil it for me. But Mr. Seligsburg went over. Between the two of them they moved the huge Kentuckian across from the Catholic church to the Klan hall, and leaned him against that edifice.

"Now, Harry, get it off your chest," counselled the editor.

And Harry did.

They moved him inside the door to the stairs when the worst was over and seated him on the second step.

"You rest a while here and be as sick as you want to," said the editor.

"We'll leave him here a while," he told us, and so we returned to the saloon. We found it emptied considerably, but the mayor was still there. He was sitting at a table, his head laid on his arms, and loud snores attested to the fact that he was asleep.

"You got to get him out of here, John," announced the bartender. "That hellish mixture of yours got him. He can't stand much no time."

"Let him sleep it off," advised the editor. "Give us another drink."

"No, sirree! He don't sleep here. The last time was the finish. He swore the next joint he woke up in drunk would be closed for the rest of his administration. Get him out of here, I tell you!"

"Oh, all right," answered John.

"And you can't take him to the hotel or to home, neither," continued White Apron. "His missus mustn't see him, nor the folks 'round town."

"I'll find a place for him. I'll help out any Methodist."

With much groaning, grunting and dragging of his feet along the ground, the editor and Mr. Seligsburg hauled the mayor out. They carried him across the street and never gave up till they had laid

him to rest on one of the pretty rustic benches that spotted the lawn of the Methodist church. On his way back to the saloon the editor took a peep inside the door of the Klan hall. The sheriff, too, was snoring peacefully.

"Return, therefore, unto Caesar the things which are Caesar's," quoted the editor as he dusted his hands. "Hey, where are you going?" he shouted at Mr. Seligsburg, who was moving off in the general direction of the hotel.

The salesman halted and turned around.

"I know there's no synagogue in this man's town," he said. "But the gentleman who looks after the spiritual needs of my people here is the man I hope to sell a bill of goods to in the morning. I'll take no chances of your putting me to sleep on his doorstep. Good-night and thanks!"

And so he left us.

V

"And now what do you think of our night life?" asked the editor as we walked along the street. "Didn't I tell you we were effervescent?"

We passed the police-station, which was in a store on Main Street. Through the big glass windows we saw a dozen officers sprawled around the common-room. The doors were open to the mild night air.

"Hullo, boys," yelled the editor.

"Hullo, John," shouted the policemen.

"Now, ain't that just grand?" he demanded as we walked on. "All Klansmen in there, and they cheer me as I go by! Let's go past again and get another welcome."

We did.

"Hullo, boys," yelled the editor.

"Hullo, John," shouted the cops.

"That's one of the most marvellous things in the world," he told me as we went on. "Me a Catholic and all those lousy Klansmen hurrying at me! It just shows what a great leveller drink can be. Let's do it again."

I didn't want to, but he insisted. This time the answering hullo seemed rather forced. A frown on the faces of one or two of the police testified to their belief that they were being kidded. But to the editor the greeting apparently appeared just as genuine as ever.

"Let's go past once more. That sure is stimulating," he said. But I said no, and stuck to it.

We visited several more saloons and encountered many prominent and hospitable persons. But it was approaching midnight. The warning came in the person of a policeman who stuck his head in through the swinging doors and rapped on the side of one.

"Closing time, Fred," he announced to the bartender.

"Come on, boys," advised the bartender. "Drink her up and be on your way. When the law says close, we got to close."

"This has been a pleasant evening," I said to the editor as we stood outside. "I thank you for the presentation."

"What do you mean, presentation?" he answered. "This has just been a curtain-raiser. I told you I'd show you the sunrise in Egypt."

And he did.

TOM HEFLIN

BY JOHN W. OWENS

THE most unfortunate result of the latter-day spiritual development of the Hon. J. Thomas Heflin, Senator from Alabama, has not been noticed in the numerous current discussions of his high services to the nation. It is that we have lost, in an era of such dreadful conformity that Calvin Coolidge is by way of becoming the national model, the likeliest candidate in the whole of this broad land for the important post of Picturesque Statesman.

Tom, in his day, had great possibilities, not the least of which were physical. Soon after he came up to Washington, following a succession of such triumphs on his native heath as election to the mayoralty of his town and to the portfolio of state in the cabinet of Alabama, and began specializing on a larger scale in the Negro question, information that he was not without a certain promise was conveyed to old Senator Gorman, of Maryland, then boss of the Democratic party. Gorman was having difficulty in keeping within his fold the more intelligent and decent white people of his own State, so he had turned to the convenient Nigger, seeking on the one hand to use him as a bugaboo, and on the other to scare or trick him out of his naturally Republican ballot. Concluding from reports that reached him that Tom's line would go well in Maryland, he invited him to Baltimore for a palaver. Albert J. Almoncy, a happy functionary at Democratic headquarters there, was sent to receive Tom and dock him at the old Eutaw House. When Albert returned, Gorman asked him what he thought of the visitor. "Senator," said Albert, who hailed from

a hard-riding country, "Senator, he's as handsome as a studhoss!"

He was, indeed, pleasant to the eye in those days—a strapping six-footer with only a trace of embonpoint, agile and not too far from graceful, with a face cut after the model of the idealized young Confederate soldier, and a fine crop of dark hair that ruffled romantically when the breezes blew or oratory was uncorked. His sartorial ensemble befitted him. He wore a Prince Albert coat, a b'iled shirt and a choker collar. His voice was loud and agreeable, if a trifle unctuous. And he had manner. It was slightly overdone perhaps, even as his garments had a shade too much emphasis and his voice that unctuous note. One felt that he might not be exactly three-ply. But Gorman liked him and decided to use him, and after his first voyage to Maryland he was recalled many, many times. His comings from Washington were festive occasions around Democratic headquarters, which were ruled in those days by one of the most sincere epicures ever developed in this land, the late General Murray Vandiver, and a body of able-stomached lieutenants. No man ever went away with a more glorious table record behind him than Tom Heflin. He could be eloquent, and he knew how to eat.

Nor were these triumphs in Maryland sporadic efforts. Tom's running mate in Washington in those days and for many years afterward was the lamented Ollie James of Kentucky. That Gargantuan creature was likened to everything from the back of a hack upward and downward, but he was never excluded from the status of a man, whatever the test of manhood

one elected to apply. Tom trotted in step with Ollie for a little while after they met up, as each would have said, until they laid Ollie away, famous and revered. Tom basked in the sunshine of Ollie's greater fame, even to the very edge of the rostrum on that parboiling day when Ollie rumbled like a buffalo stampede through the delegates to the 1912 Democratic convention, to take the chairmanship of that gorgeous roughhouse. But it is in order to make the point that Tom kept step, and the further point that one who could keep step with Ollie James possessed obvious claims to the high office of Picturesque Statesman.

II

Tom came out of his Alabama wilds with sure instincts. He was one of the first men in the United States to voice the rage of honest if humble pedestrians against the abominable aggressions of motorists. Casting off the burdens of state, he and Ollie one day set out in the cool of the evening to see what was to be seen. An enemy of mankind swerved his car across their track, and two large men were made to skip. Tom, always adequate on such occasions, summoned the full resources of his invective. The records are incomplete, but it appears that the motorist turned out to be a quite he sort of person, and so the controversy, if that is the term to use, raged in the neighborhood of the Riggs House for many hours. Ultimately, and perhaps unfortunately, someone trained in the science of government took thought of precedents and summoned a jury from the Riggs bar. The jury solved the problem with Solomonic wisdom. Tom was ordered in one direction; the enemy in the other.

Then there was the celebrated shooting: Tom has been buffeted considerably on account of it. Yet the event was wholly in accord with his early promise of occupying a happily ornate place in the body politic. The buffeting takes two forms. First, there are the sneers at Tom's taking

his artillery with him when he started to church to deliver a temperance lecture. Curiously enough, these sneers come mainly from men who bemoan habitually the lapse of the American people into decorous uniformity. Let it be admitted that Mr. Coolidge would never take his artillery to church, whether he was to speak or not. But it is possible to insist that better men would have done so. For example, Andrew Jackson or Sam Houston.

The next point to be considered is whether, granting Tom's privilege, as a man different, to tote a gun to church, he used it unfairly on the colored brother. It is to be explained, at this point, that he did not use it at all in the first instance. The colored brother was a very large person who chose to continue his drinking on a street car in the presence of a white woman—which is not as inoffensive in the South as it may be thought in New England. Tom directed him to stop. He did not stop. Disregarding Tom's subsequent explanations, and taking the colored brother's word, as set forth in a suit for damages later on, it appears that the budding Picturesque Statesman slapped, cuffed and kicked the dark brother, and then threw him off the car. By way of offering the reader a measurement of that performance, it should be noted that when the brother was taken to hospital subsequently, six men were required to force him into bed.

The shooting occurred between his contact with the paved street and his arrival in the hospital. It is alleged that Tom took aim through the car window and brutally shot him; perhaps that is so. Tom may have got a little excited in doing what six men at the hospital were later required to do, or his hot Southern blood may have boiled. However, it is possible that, as he said afterward, he thought he saw a movement of the brother as though to draw a gun, and so he acted according to the rules made and provided south of the Mason and Dixon Line. It is not the business of this historian to render judgment in the matter, but it may be proper to observe that Tom's

conduct was regarded very respectfully by the fine old Southern editors of the day, albeit there was a certain mortification among them that one of his bullets entered the leg of a devotee of the sport of kings, who was standing some distance from the scene.

From all of the foregoing, it may be reasonably held that in running for the office of a Picturesque Statesman, Tom was sound of wind as to the adjective. But what of the noun? Granting he was picturesque, had he the makings of a statesman? Well, what *is* a statesman? The other day a man who for years has worn his soft hat turned up in front because of a habit contracted in the days when T. R. was coming over the horizon, told me that the more he thought of the Colonel the less he thought of him.

Nobody, in truth, really knows the statesman of his own time, and posterity often changes its mind. You cannot draw the lines sharply. For you know that posterity will heed only half a dozen men in every era—and yet you know also that the workaday jobs of statecraft in that era were done by many other men. For practical purposes, you must take the average of the day. Judged by that test, Tom certainly cannot be dismissed. Grandiose, sentimental, a licker-up of applause, a player to the grandstand, or rather to the bleachers, a reverberator of other men's ideas? Yes, all of that—as have been many more famous men. But if you are convinced that Tom is a fathead, and wish to stay convinced, do not go to his early record in Congress.

You may encounter, for example, speeches that, in the main, would not surprise you if they appeared as editorials in some of the publications that now look down upon poor Tom. What will our best social and industrial reformers say of a speech delivered in the House in May, 1912, when Tom was seeking (quite successfully) to devil the standpat Republicans from Pennsylvania by muckraking certain great corporations of that State:

Why, Mr. Speaker, the black slave in Alabama in the old slave days was treated a thousand times better than were those poor white industrial slaves in Pennsylvania under the reign of the Republican party. Men guarded in camps, not permitted to go out, hounded by guards and deputies, lashed and shot and driven back; human beings held in the remorseless grasp of the most despotic industrial slavery in the world! . . . Black policemen, it is said, with their clubs struck down women of the white race, American mothers—struck them down and murdered them in Pennsylvania during that strike!

Speed stuff! If you should delete the references to the Aframerican, and alter the style from the oratorical to the editorial, might you not visualize Mr. Oswald Garrison Villard nodding his head approvingly? And would not Mr. Villard rejoice and give thanks today for such a speech as this on imperialism, delivered in 1916?

Every intelligent man admits that our occupancy of the Philippine Islands invites attack, and that it is the thing that annoys and worries our people, who are not willing to spend American money and sacrifice American lives to hold something that we do not need and should not have. But gentleman on that [the Republican] side talk about not taking down the flag when once we have planted it on foreign soil. God grant that we may never lack for courage and patriotism to take it down if it be the righteous and honorable thing to do!

And our States' rights intellectuals! If the Scriptural note, outmoded at the moment, were eliminated, how many of them would object to inserting in their dissertations the following extract from one of Tom's speeches in the House in 1914, when he was opposing national Prohibition and national woman's suffrage?

We must not undertake to ram down the throats of sovereign States something that they are not prepared to accept, but let us continue the good work in the way that we have accomplished all that we have in this great work of molding public opinion of a permanent character [for Prohibition]. . . . Then through this home rule process and this principle of local self-government, other counties and other States, seeing our good works, will be constrained to follow in our footsteps. . . . The trouble with some members of this House is they soon forget all they ever knew about the time-honored principles of home rule and local self-government. They surrender the teachings of the fathers, and fling to the four winds of new nationalism and federalistic control the things that our fathers held dear when they builded this Republic.

Not bad! Indeed, as good as comes today from 99% of Tom's contemnners. And I have not sought unusual specimens. Go back to the *Record* and it will be found that most of Tom's speeches in the House were quite as good. He was interested in cotton, and believed, probably with ample justification, that the planters were being victimized by the speculators. Some of his speeches on that subject achieved really lucid presentations of a highly complex business. Again, there were his speeches on rural credits: they were sharp, clear and concise. To be sure, it used to be said that he edited his remarks in the *Record*, and inserted "Applause" and even "Loud Applause" at appropriate points, but that had nothing to do with the sense of his harangues. If, without altering the meaning, he edited for clarification, he was rather to be approved for his industry.

In sum, the youthful Tom had enough ballast to carry safely his big, picturesque sails—and he started with abundant resources in canvas. Moreover, he was free from any suggestion of the more sordid sins of politics. No one attacked his character, as the saying is. In fact, he could not be denied a certain amount of character of the higher sort, for while he was proficient in the ordinary jugglings of politics, he stood steady on his declared ground. He was a Progressive and his vote could be counted on by the other Progressives. He was a Coming Man. If anything seemed certain, it was that the years would lift him higher and higher upon the political beach.

III

But what picture does he present today? Having come to the mellow late fifties, and proceeded from the House to the more spacious Senate, what relief does he offer us from the deadly conformity in speech and act there prevailing?

Alas, one goes into the galleries of the Senate, and there gazes upon the outward form and semblance of a Picturesque States-

man, but instantly one is in a shudder of disappointment. There is the great, bulging body that one craves, the crop of graying hair, and the echoing voice upraised for the people. In Winter, that bulging body is clothed in the tail coat of the stately past, and under it there is a glorious white waistcoat, and under that waistcoat there is the snowiest and starchiest of fine linen; and above the noble coat is an uncompromising collar, guarded by a black bow tie of massive rectitude, while stretching away to the feet, far distant and finely shod, are splendid, somber gray trousers. Perfect! In Summer, this perfection gives way to another perfection. All is immaculate white, save only the black tie of restraint and virtue—after the fashion of the sublimated Southern squire-statesman, seated on his wide gallery of a Summer evening.

But all the same, that shudder of disappointment sweeps one. And why? The answer may be put in one word, and that word is "feverish." The man who might have been the nation's one really genuine Picturesque Statesman in the drab and drear Coolidgean epoch is burning with an inner and unhealthy fire. One sees it in the face, which is not of the cool ruddiness or fine pallor which becomes a Picturesque Statesman; it is purplish in moments of vehemence, which are frequent. And one notes about the corners of the mouth and the nostrils unpleasant set lines that have been made by quick-flaming anger too often indulged. The voice that nature intended to be suave and soothing is now shot through with hot, excited notes, often violent and sometimes shrilly desperate. And the big body, which calls so sadly for the deliberation and sureness in movement that are age's substitute for youth's agility and grace, is awkward and nervously uncertain—the very antithesis of the poise, dignity and urbanity that should be inside the sartorial expression of an older and more charming day. So feverish, indeed, is Tom become that he communicates his sad ailment to his enemies, and lately the

Montgomery, Ala., *Advertiser* has been furiously demanding that a committee of psychiatrists rumble-bumble on his case.

It is a pity. For no one can attain the rank and dignity of a Picturesque Statesman in a feverish condition. So heated up, indeed, one cannot command recognition as any kind of statesman. Poor Tom proves that. With all his shortcomings, his professions of devotion to the welfare of the common man are undoubtedly sincere. It may or may not be foolish to bother about the common man, but it is certainly not discreditable. Moreover, if Tom's votes are examined, rather than his words, it will be found that in the execution of his devotion he very frequently finds himself in the company, on roll-calls, of the most independent men in the Senate—such men as Walsh of Montana, Norris of Nebraska, and Reed of Missouri. But his speeches, his manner, his general attitude, have not only made him a favorite butt of newspaper wags in late years; they have brought down upon him, time and again, open rebukes from exactly such men as Walsh, Norris and Reed. And all that has increased his already feverish condition, and aroused in him a kind of tormented desperation.

The fight over W. P. G. Harding illustrated perfectly what has happened to good Tom. Harding, a banker of Birmingham in his own State, was governor of the Federal Reserve Board when, in 1920, the discount rate was suddenly shot upward, and there started the deflation which thrust some 5,000,000 men and women out of their jobs. On the farms in the South and West a procession toward bankruptcy set in, with an increase in the suicide rate. Tom maintained that this peremptory action of the sanhedrin of credit was a crime. He also maintained that it was not an unthinking crime, but the result of a deliberate plot of the Money Kings. In that he was far from alone. The late Senator La Follette made exactly the same charge in his 1924 campaign. It was made also by many thoroughly respectable men of the South and West, and they undertook to offer circumstantial

evidence—as plausible, certainly, as the circumstantial evidence on which Sacco and Vanzetti were convicted. But Tom succeeded only in making his protest a nightmare.

President Warren G. Harding sought in 1922 to reward Governor W. P. G. Harding, theoretical Democrat though he was, with reappointment as chairman of the Federal Reserve Board, for all the respectable folk in finance held the lesser Harding to have pursued the path of duty heroically, Tom placed a trembling hand upon his heart and vowed to Heaven that while there was breath in his body and power of articulation in his tongue, no such criminal payment for crime should be. And it was not. The President came to realize that Tom was ready to filibuster himself, the whole Senate and all the business of the country into Kingdom Come to prevent the vote on confirmation, so the nomination slumbered to death. To state those bare facts is to place Tom in honorable if unorthodox company. But it must also be stated that seldom in the whole history of the Senate has there been such whooping and hollering about the crimes of Wall Street as he unloosed day after day. Very often even old Senator La Follette wished that he would abandon his uproar and do his good work in the manner of that master of filibuster, Gumshoe Bill Stone, whose technique it was to read the longest and most irrelevant treatises in barely audible tones.

That fight was the real beginning of Tom's feud with the newspaper reporters, which also showed and continues to show his feverish state. Being in a condition in which his indignation against the two Hardings could be expressed only by wild and terrible whoops, he was naturally unable to realize, first, that whoops are hard to report, second, that no reporter can waste day after day translating them into intelligible terms, and, third, that if both those barriers were scaled by the reporters, they still would be unable to find enough space every day for telling the story to the

people. Being thus in no state to realize the nature of the reporters' difficulties—the radical reporters, of whom there are some in the Capitol, no less than the conservative ones—Tom attributed their neglect of his efforts to the long arm of Wall Street, and made no distinctions between the kept press and the unkept. Soon, he began shouting at the reporters as they lounged in the press gallery. And soon their dignity was affronted, and, rather ludicrously, they began stalking out of the gallery whenever he started his daily dozen of yells. Whereupon, he made more noise and more kinds of noise than ever. And his august colleagues silently consigned him and both of the Hardings to Hell.

This continuing fever that made him a nuisance even to men who thought that his fight on W. P. G. Harding was meritorious, and who saw nothing strange in Alabama preferring his passionate protest against the Federal Reserve Board's conduct to Senator Underwood's detached consideration of it—this feverish state explains why Tom still makes himself so extraordinarily offensive when he gets off on the wrong foot, as, for example, in the matter of the Klan. If he merely played with the Klan politically, he would not be singular. He would be objectionable, but he would have abundant company in the Senate, and would escape anything more than a mild and passing censure, as have the other Klan-tarred Senators. And if he avoided the Klan as an organization that is absurd when it is not dangerous, and simply entertained individually the prejudices which the Klan has organized, he would be entitled to associate with vast numbers of his Anglo-Saxon fellow-countrymen, high and low alike, quite likely a majority of them. For the Klan prejudices are deeply lodged in thousands of hearts that are unwilling to approve the Klan practices. The greatest measure of cant in this country today is produced by the effort to conceal or gloss over that prejudice. But Tom bumps his head against the ceiling in talking about the Klan, as he

did in talking about W. P. G. Harding.

He turns purple, while his big fists swing and his splendid coat-tails swish the air, as he refers to himself as "I, a Protestant Senator," and gives directions as to the disposal of his remains should the Pope's agents carry out their orders. He takes a matter that might have become serious, namely the desire of the more aggressive section of American Catholics for intervention in behalf of their brethren in Mexico, and makes it a tenth-rate melodrama. There was a time when it seemed likely that the campaign of the Calles government against the Church would cause grave political difficulties in this country. One element of the American Catholic Church, to be sure, thought that its sympathy for its co-religionists could have nothing to do with its conduct as a part of the citizenship of the United States. But another element thought that religion had much to do with politics. It was suppressed by cool heads in its own household, but before it was suppressed there were potentialities of grave trouble. It might have been the part of a statesman to speak candidly of that. Tom did not speak candidly; he spoke hectically. He pictured the Knights of Columbus as already on the march, and scattering bags of gold over the countryside.

So with Prohibition. Tom is not condemned by persons who have cut their political eye-teeth for supporting national Prohibition now, although he spoke eloquently against it in the pre-amendment days. Such a change of base may be wrong, in the absolute, but this is a world of relativity. There are idolized wet Senators within a few feet of Tom's seat who also opposed the amendment, but later accepted it and supported it. They have now returned to their first love. But every one of them who has completed the circuit in that manner hails from a State that has turned out to be very wet. It is a fair deduction that if they hailed from Alabama, like Tom, they would not have been reconverted. Thus it is not Tom's stand on

Prohibition that makes him absurd; it is his presentation of his stand, couched almost invariably in the hot, fevered words of an ~~over~~wrought man. And so with his attitude on corruption in office. Tom was one of the first Senators to attack Daughertyism and he hit without gloves when some of his revered colleagues were weighing considerations very cautiously. But he did not stop with discarding his gloves; he discarded all other restraints, and so there were times when the anti-Daugherty men divided their worries between the danger of Tom making them ridiculous and the danger of the Department of Justice framing them and jailing them.

IV

Well, if the explanation of Tom's failure to meet our sore need of a Picturesque Statesman is that he has become feverish, then what is the explanation of his feverishness? It is not enough to say that he assumes the pose and plays the part that will garner votes in Alabama. In the first place, he is too obviously in deadly earnest. In the second place, it is to be doubted that his bawling is the source of his strength in Alabama. He stayed in the House term after term without going mad, or pretending to go mad. If he made no speeches at all, or only a few and yet voted as he does, he would remain popular in Alabama. He would hold most of the people who cheer him now, and he would win many who now back off. And he would stand less danger from a revulsion of feeling—which is always possible in Alabama, as the recent convictions for Klan floggings indicate. Of course, it may be said that he does not see these obvious facts—but to say that is only to say that he is in a genuinely feverish condition. The Heflin who could talk clearly and impressively about rural credits in the old days would not have been so blind.

What, then, is the explanation of his state? I think you will find it if you go to the files of the *Congressional Record*. Reading

along, you will be brought up short one day by a sudden realization that the war marked a ridge in his career. Before the war you will find, not greatness nor even any great promise, but at all events some evidence of intelligence and some possibilities of growth. These things show through all the man's political parading and occasional elephantine clowning. But with the coming of the war, you will suddenly lose all track of that and come into contact with the present Heflin. Inside and outside the halls of Congress, he made speeches that would have disgraced the worst professional patriot. He would "execute the Huns within our gate." He believed that "the firing squad was the only solution." He was convinced that they were all "perverts and renegades."

One day the Government disclosed certain correspondence of the German Embassy in which Ambassador von Bernstorff asked the Imperial Government for \$50,000 to be used in influencing Congress against our entering the war. Tom was instantly quoted in the newspapers as having noted suspicious actions by certain members of Congress, and soon the air was filled with wild talk of members winning heavily in German gambling-houses. Tom was linked with all this talk as the man who would presently spring a mine under the traitors. In a little while, Messrs. Mason and Britten, members from Illinois who had German constituents, were dragged into the tales.

Then the volcano boiled in earnest, with a committee of the House sitting on the matter. Tom was called before it. He denied the authenticity of the newspaper reports quoting him, but the reporters, on being summoned, swore that he had been correctly quoted. Questions of the highest personal privilege were then raised in the House, and old Mason, hero of many a patent-medicine advertisement, wept his way through the history of his British ancestry and his son's voluntary departure for the wars with his paternal blessing, while the House shrieked its sympathy. In the end

there was a great massacre on the floor, with sturdy Champ Clark trying his best in the Speaker's chair to insure that the drawing and quartering of Tom should be according to Hoyle.

It is not for me, of course, to psycho-analyze Tom and declare the cause of his distressing fever, but I think I may be permitted to hint again that the gentleman from Alabama of the days before the furious, flaming war period was not the Tom of the war period or of later times. I wish, as an experiment toward adjourning the war for Tom, that some of his friends would dip him into an icy bath every morning for a few months. If that should

allay his fever, we might still have our Picturesque Statesman. He might vote a passionate vote for the great plain people, and yet take on and improve the rôle of, say, Senator Overman, of North Carolina.

The cynics, you know, say the Carolinian is beautiful but dumb. But I have noticed that he is the only one of the ninety-six Senators who surveys his colleagues loftily each noon with a glint of amusement in his eye and a hint of a smile about his lips. If Tom Heflin, garbed like a bishop turned circus impresario, would only go in for that high-hatting of the Senate, while casting votes indistinguishable from George Norris's, much would be forgiven him.

A GERMAN GRANDFATHER

BY RUTH SUCKOW

THE war was the first thing to make me realize that actually I came of German ancestry. Nearly every Summer of my childhood we had visited the farm where one grandmother and grandfather sat in rockers side by side, and the little Iowa town where the other grandmother and grandfather lived in a frame house painted in red and white to make it look as if it had been built of brick. But the ways of these old people were so different from any I had ever known that I had no real sense of belonging to them. There was nothing German in our home except noodle soup, a tree and frosted cookies at Christmas, and brown-covered copies of *Die Gartenlaube*. Our parents spoke German only when Christmas and birthdays were at hand; or when my mother, calling some queer old customer by a still queerer name, laughed, and said, "Don't ask me to translate that!" We girls learned our German in school; and my sister (who, on a very fragile pretext, had always considered herself French) had so little talent for it that my mother read her lesson to her every morning while combing her curls. Years ago, in a pre-historic age so far as I was concerned, my father had gone over to the English from the German Methodist Church, and from that had graduated as far as the creedless Congregational.

At the time of the war, a member of our family objected to voting for a man who "had a foreign name." The names of our grandfathers were Suckow and Kluckhohn. But the name of the German township, to which they had come as early settlers, had been changed to Liberty. At this same time one or two leading matrons of our

city walked out of the Auditorium as a patriotic protest against the singing of German *Lieder* by Alma Gluck. Our family was divided as to the necessity of this. I got out my sister's favorite old book of Schubert songs and picked out the air of "Du bist die Ruh'" with one finger as my own private protest. I thought about the German songs I had heard my grandfather sing to his youngest grand-daughter, under the apple trees on the farm, to keep her out of mischief while her mother was at work. I didn't remember a great deal about either of my grandfathers—my mother's father, a minister, had died when I was a child—but what I did remember was singularly out of keeping with current notions about the horrible Hun.

Later, my father and I visited my grandfather in Iowa. The war was over. He seemed to have been amazed by it rather than embittered. "Didn't de Germans help to settle all dis country?" he asked. "Why, den, are de Germans now so bad?" He had come out to German township in a day when it was actually such boundless prairie that once, after wandering for hours at night, he knocked at a door to ask the way and found himself looking into his own house. This quaint little old man was so remote, now, even from the life of his own neighborhood, that I suppose few people had ever thought of the danger to the State from his existence.

We found him in a room with blue walls, attached to, yet separate from the rest of the house. This was where he and my grandmother had spent their last house-keeping days together. The farm was the one that he himself had taken on the

prairie. His son had worked it for years, but had now moved into town and left it to *his* son. My grandfather stayed. His reason was that Grandma had died in this room and he wanted to die there too. To me he seemed more like a figure in a German picture or a folk song than an actual old man. He gave me the same sort of delight as a finished work of art.

He gave me, too, an understanding of a statement of Einstein: Life tends to return upon itself. When we visited there, it was perfect September weather. Stepping out of a landscape that seemed to be all blue and gold, we entered a room that was blue and silver. Against the wall hung my grandfather's big silver watch. He was sitting in his rocker in front of the open door that faced the blue sky. He wore a black skull-cap and smoked a black pipe. His beard was silver and his eyes were as blue as those of very little children. One had a curious cast that added to his air of wistful drollery. Bees had found an entrance into the wall of the farmhouse years ago, and they hummed outside the open door.

He was too deaf to join very much in the conversation. Hearing, however, that we were planning a trip South, he begged us earnestly not to go. There were only two places in this country, he assured us, where human beings ought to live: York State and old Iowa. "Where you have lived," my uncle suggested. "Ja," he answered, and puffed smoke from his pipe. We all laughed and that pleased him. In fact, Iowa was even better and safer than York State. It was foolish to bother to take a trip out of Iowa. Hancock county was the best county, German township (he never quite got used to Liberty) was the best place in that county, and this farm was the best and safest spot in the world. We should all stay here. "But what would I do?" my father asked. He could sell old iron. That was a good business. Again the eye with the cast glanced off drolly askew and he puffed at his pipe. But most of the afternoon, he did not attempt to talk with the

rest of us. He rocked and smoked, and at times he murmured with a sigh, "Ach, ja, ja . . . dot was all so long ago!"

But he did have to move into town at last, like a good Iowa farmer. He still kept up his own establishment, however. When I saw him next he was living in a little one-room building called Grandpa's House in the back yard of my uncle's home. There were his own bed, his wooden rocker, his silver watch, and a kerosene lamp which my aunt came in to light every evening, since he now declared that he could not experiment with so new-fangled a contraption. "What a big lady!" he exclaimed in astonishment whenever I came. But time, too, had returned upon itself. The past and the present were all intermingled. "Ja," he would say then, "now I have a little girl again to hear my stories." He told me about wild happenings in the early days in the timber country in Northeastern Iowa. But when I left, he always warned me, "Be careful when you cross the railroad tracks!" The town where he now lived was a station on a little stub line of the railroad. One train went up in the morning and came back at night.

II

We all received these warnings. He begged us not to eat tomatoes for fear of the seeds, while he himself dined happily off cranberries and thick cream. Whenever the family set off on an excursion he went out to look at the sky and urged them to stay at home because it looked as if it might rain. He consented to an automobile ride only because "the rest of you are going to be killed and I want to be killed with you." My father was spending his vacation at a little fresh-water lake when he received word that my grandfather had broken his hip. The old man was suffering almost too much to talk with him, but he still could plead, "Willie, when you go back to the water, promise me never to go out in a sail-boat!"

But no one could get him to explain the

discrepancy between these warnings and his own career. Many of his stories were concerned with the seven weeks of stormy weather which he had spent in a sail-boat crossing the Atlantic. "Ja, ja, those were fine times!" he said. He came to this country not knowing a word of English, and without enough money to pay for a berth when he took the boat to Albany. Later, with his wife and little children, he struck out for the West and took a farm in the timber in Northeastern Iowa, where the woods were so thick that my father used to get lost trying to find the cows in the evening. My father told of how terrified they all were during one of the annual floods of the Volga river, when the cows were carried off downstream and my grandfather on his horse plunged straight into the torrent after them. Later, my grandfather wanted to try still newer country, and they all set out again for the slough and prairie region farther West. "But to hear Grandpa talk," my father said, "you would think he was the most timid man in the world!" He could never understand why any of his children or grandchildren could be foolhardy enough to venture beyond the limits of German township.

His adventures had now dwindled into stories about them. He always declared that he liked farming; but that he was never a real farmer was shown by the fact that he had wanted to stay on his land, would have considered California unfit for human habitation, and was more contented after his retirement than before. Then he had found a job that really suited him much better. There was a baby girl in the house and he took her in charge. All day long he sang songs and told stories. This was the only one of his various activities that he seemed to regret when it was past. "Ach," he said, "what shall I do? I have no little girls any longer!" While he was still on the farm, he had liked to gather the eggs. But when he came into town, that too was over. His eyes became too dim to read and he was so deaf that he could not talk much with people. So few

came to see him that he had little chance to tell his stories. My aunt told him about what was happening in the world. But when she came to the radio, he threw up his hands and said that that was too much. His range of travel had narrowed down to an occasional excursion to the store for his tobacco. Then it seemed too venturesome to go out upon the one business street among all the automobiles. He stayed in his room and finally in his rocking chair, and he had very little left to do except pray and sing to himself. But he got great contentment out of these two things.

When he heard that his grand-daughter had published a story, he said that she ought to be given a title. "Ven de men do something more, dey call dem *von*, or dey call dem *bishop*! Why not den de ladies?" But he pondered over it. He said, "My mind is all de time so full of what happened in de old country, and here in de early days, why can I not write it into a story?" He had to tell his stories instead; and it was not until I was a "big lady" that I had a chance to hear many of them. More and more came back to him the older he grew. He told about the tall ancestor who had run away from Prussia so that he would not have to join the Emperor's six-foot regiment. "Schneiderlien, Schneiderlein!" the soldiers called. "Ja, come get 'Schneiderlein'!" he shouted back from over the boundary in Mecklenburg. He told about the molasses barrels that tipped over on deck in the storm at sea; and about Yankee Jim who shot up a town in Iowa and then stood on a hilltop just outside and shouted to a comrade: "Bill! Go fetch me my coat! I want to take it with me!"

In those days, my grandfather used to get great amusement out of taking bachelor farmers around to call upon prospective wives. He would not permit them to give up, no matter how poor the prospects seemed. The success of one of these marriages was proved by the gift of a dollar from the bride every Christmas. One tale was an account of his visit to a Catholic church.

"First, come in de priest. He was a big two-story man but dressed up in skirts just like de ladies. He had a little bell. 'Ting-a-ling-ling!' A little boy come from de one side and bring him a towel. 'Ting-a-ling-ling!' A little boy come from de udder side and he take off de first towel and put on de second. All he said, it was in Latin. De people, dey can't know what. But before dey all went home, he turn around to dem from de altar. He say: 'On dot horse and buggy I buy me, I still owe eighty dollars, and de eighty dollars you must see dot I get.' Dot," my grandfather concluded, "he could say in English!"

III

When we came to see him at holiday time, he was mourning because he had a cold and feared that he could not sing his Christmas songs. His voice had the sound of a very old, very worn, still sweet wind instrument, and he kept time with his hand. Most of the time, he used his German Methodist hymnal, but he also sang me "Freut Euch des Lebens" and said: "It is good. It is not religious. But it is good." He liked "Der Himmel ist Schön" because it was Grandma's song. When his voice grew husky, he took to his pipe. Once he asked, "Do you ever see papa smoke a pipe?" I said that I had. "Ja, dot is right!" he answered with great satisfaction.

One more move was required of him. After he broke his hip, he had to leave his little house and take up final quarters in the guest-room of his daughter's home. He sat all day long in his rocking-chair. He was glad to have people come into the room but seldom demanded it. Even in the other part of the house he could often be heard praying and singing. He was now the oldest settler in German township, and he could not understand why he should have lived so long. He heard of the deaths of the sixty-year-old men and women whom he still called "de young people." Ever since Grandma had died, he had been ready to go; and whenever my father came

to see him for the last ten years, he said in parting, "Well, Willie, when you come de next time, I will not be here." After he had been sitting for a long time smoking, he would murmur, "Ach, ja, ja . . . dot was all so long ago!"

But to our surprise, since for years he had not ventured a mile away from home without grumbling, there was a journey, when he was ninety, that he wanted to make. And he was willing to go in an automobile! He said that he would like to look at the farm.

My father and I drove over with the car and my father and my cousin carried him out to it. This, again, was in September. It was a fine day in which to see the country: sunshine, wind, a brightness over everything—the dry corn, the dusty road, the willow trees on which small scanty leaves glittered. Everything was quiet and just as usual at the farm. We stayed half an hour or so, and then he wanted to go still farther. He would like to call on "de old Mutter Meyer," he said.

We drove on to the Meyer farm. It had the usual well-painted house and red barns and dog running out to bark at the car. The Meyers came out to talk to us. There were the old lady, her daughter whose husband now farmed the place, and an elderly son who had such a great memory that he could repeat nearly every verse in the Bible and had room left for nothing else in his mind. Mutter Meyer had a clean pink face framed in a small black silk bonnet edged with white. She was the only one of my grandfather's old neighbors left—the only one of his contemporaries who had come out in the early days to settle German township. They talked in German together—saying "Ach!" many times, and "Ja, ja . . ."—and then they said "Auf wiedersehen."

This was the first trip that my grandfather had enjoyed since he had definitely decided to give up roaming and settle down into being Grandpa. It was the first that he had made except under protest. It was his last. A few weeks later, he died.

His death was as peaceful as his age had been, without consciousness or suffering. He had been out of the life of the place for so long that people had almost forgotten him until they heard he was dead. But they went away from his funeral saying:

"A few more years and there will be none of the old settlers left!"—as had happened in one community after another, since the first settlers had come to America.

When he was a young man, my grandfather had worked in Albany until he could send back enough money for his sweetheart to join him in America. They had kept traveling West until, across the Mississippi, they had found some country which my grandfather said was much like that which they had left in Germany. But Iowa was "nicer country," he declared. He had never wanted to return to Mecklenburg. That was "de old country," but this farm in German township—the best and safest place in the world—was home. They had worked hard there, they had raised seven children, and when these were grown they had taken a little girl from an orphanage for fear of being lonely. During my childhood, I remember them sitting side by side in their rockers, contented to be with each other. Out of all their work and wanderings, they had only this farm to show. His small savings, my grand-

father had invested in a German Methodist concern and lost.

Nevertheless, their long journey was, in its small way, successful and fortunate. There are few men who can sing in their old age. Both lie buried in the graveyard of the German Methodist church in Liberty township—the church they had helped to found, where only English now is spoken, and which, even so, is fast losing its members to the church in town. Some day, no doubt, this will be another of those neglected and forgotten rural burying-grounds that are scattered over this whole country, and the names "Dorothea" and "John Joseph," still fresh on the shiny stones, will have yielded to the weather.

But the year after my grandfather died, we heard German Christmas songs in the house again. They came over the radio, on Christmas night, from records made in Germany. A prima donna sang "Heilige Nacht," and we also heard the "good will message" of the president of the Reichstag to the people of the United States. The war was over—a war which my grandfather could never really believe had happened. He had brought over from "de old country" nothing in his pockets, and the German heritage which he left his grandchildren was only these songs.

The
Ho
am
app
the
par

B
happ
poli
with
a pu
wher
decla
and
this
who
be o
that
has b
by m
Cour
mall
Mor
call
purp
done
vent
thou
itali
whil
know
scher
sort
ment
main
amer
stitu
Cong
and
seem
never
advoc

EDITORIAL

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall. . .

BUT perhaps I had better haul up. It is now unlawful in California, Pennsylvania and Massachusetts and perhaps in other great States (or, at all events, *polizeilich verboten*) to read the Constitution within the hearing of citizens passing along a public highway, and there is no telling when the wowsers of the Postoffice will declare it obscene. My plea in confession and avoidance is that I have no desire, in this place, to inflict it upon persons to whom, for one reason or another, it may be offensive. I quote it simply to propose that it be thrown overboard—that what has been done piecemeal and without gusto, by many a learned decision of the Supreme Court of the Republic, be now done formally and to the extent of the entire hog. More specifically, I propose that Congress call a Constitutional Convention for the purpose—something that has not been done since the original Constitutional Convention adjourned on September 17, 1787, though the clause that I have put into italics has been standing there all the while. Why it has been forgotten I don't know: maybe because the alternative scheme has offered easier sledding for the sort of fanatics who whoop up amendments. Whatever the cause, the fact remains that all of the existing nineteen amendments were fastened upon the Constitution by jamming resolutions through Congress, usually to the tune of high howls and hosannas. The more deliberate and seemly plan of calling a convention has never been tried. I herewith respectfully advocate it.

Its advantages are numerous and obvious, but one stands out as salient: it would enable the first minds of the nation to revise the Constitution *as a whole*, and so avoid the incongruities and incompatibilities that flow out of the present haphazard system. I point, for example, to the difficulties brought in by the Eighteenth Amendment. The terms of that amendment, it must be admitted, are sufficiently clear, but as everyone knows the business of enforcing them has so far baffled and palsied all three arms of the government. In an effort to aid the legislative and constabulary arms the judicial arm has borrowed a number of devices from the Russian, Nicaraguan and Zulu systems of jurisprudence, but with no effect save to wring yells from friends of the first ten amendments, the so-called Bill of Rights.

Two instructive instances at once suggest themselves. The Fourth Amendment, as antiquarians will recall, provides that "the right of the people to be secure in their persons, houses, papers and effects" shall not be invaded save upon warrant, and that "no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." But the Supreme Court, in its wisdom, has decided that in order to enforce the Eighteenth Amendment any former yeggman in the employ of the Prohibition Unit, *i.e.*, of the Anti-Saloon League and the Methodist Board of Temperance, Prohibition and Public Morals, may stop any citizen on the public highway, and search his automobile forthwith, without bothering to get a warrant at all. Here is an obvious conflict between the two amendments: in order to give effect to the Eighteenth the Fourth has had to be

boiled in oil. The second conflict is even more striking. According to the Fourteenth Amendment no State shall "deny to any person within its jurisdiction the equal protection of the laws"—and what is thus forbidden to the States is also forbidden, by a natural inference, to the United States itself. But Congress has passed a law providing that when a Prohibition blackleg is taken on a charge of murdering a citizen he shall not be tried, like an ordinary criminal, in the State court having jurisdiction over the scene of his crime, but in the nearest Federal court, and that the district attorney of that court shall not prosecute him, but defend him. Is this "the equal protection of the laws"? Does it put the Prohibition assassin on all fours with any other assassin, or does it lift him to a special eminence? If it is fair for the district attorney to defend him, then why shouldn't it be fair for the district attorney to defend other murderers? Here the Eighteenth Amendment plainly takes a large bite out of the Fourteenth. And in other situations, too sad to be rehearsed, it takes bites out of the First and Sixth. All this cannibalism has the approval of the Supreme Court and the applause of the Anti-Saloon League, the two highest judicial agencies among us.

II

It is not my purpose here to question the reasoning of the learned judges (though in private I entertain some doubts of it), but simply to argue that, as amendment after amendment is added to the Constitution by the present process, such conflicts will tend to grow more and more numerous and vexatious. The friends of the latest amendments recognize the fact, and make constant efforts to dispose of those earlier articles of the Constitution which impede their reforms. The Prohibitionists do it by procuring legislative and judicial mayhems upon the Bill of Rights; the suffragettes seek to do it by proposing a Twentieth Amendment to perfect the Nineteenth: they

have found that giving women "the right to vote" has not taken the pronoun "he" out of Article II, Section 1, dealing with the President. But all this is only adding confusion to confusion. What is needed is a complete revision of the Constitution—a rewriting of every article in the light of every other article. By that process, and by that process only, will it be possible to get rid of the conflicts and discrepancies which now multiply, to the disquiet of such lawyers as have ever read the Constitution and the terror of the plain man. Congress plainly cannot be trusted to do the work: it is responsible for the chaos which now prevails. The remedy lies in the second of the two schemes provided by the Fathers—that is, in the scheme of calling a Constitutional Convention. Such a convention would enlist men of a higher calibre than any Congress could hope to attract: the example of the New York Constitutional Convention proves that much, if it proves nothing else. Jurisconsults who would regard it as a gross insult to be nominated for the House of Representatives, or even for the Senate (remembering the Heflins and Bleases there), would feel it an honor to be summoned; they would recall that George Washington presided over the last convention, and that among its members were Hamilton, Franklin and Robert Morris. And there would be time, with no other business in hand, to hear all the up-lifters, utopians and Mugglestonians at length, and their critics with them, thus insuring a show in the grand manner, with laughs in it as well as roars.

The chief conflict before the convention, I daresay, would revolve around the first ten amendments—the Bill of Rights. Four of them have now been emasculated almost beyond recognition by judicial sophistry, and two more, the Ninth and the Tenth, seem destined to go the same route. The Tenth, indeed, is supported today by only one American statesman of any dignity: the Hon. Albert Cabell Ritchie, LL.D., Governor and Captain-General of the Maryland Free State and of its dependent

islans
peak
Anti
Met
tion
supp
prem
ently
Nint
work
head
rapid
Fifth
Four

My
hinte
belie
mere
citiz
seizu
lusio
devic
of th
the o
I bel
thing
fiden
so m
I find
peop
under
with
spies
gives
to th
conve
break
tees,
and
fanat
Bu
mann
priva
have
major
contr

islands, atolls and rum-barges in the Chesapeake Bay. Congress is against it, the Anti-Saloon League is against it, and the Methodist Board of Temperance, Prohibition and Public Morals is against it, so I suppose it is fair to assume that the Supreme Court, as in duty bound, will presently give it its death-blow. Thus with the Ninth also. Both were intended to be bulwarks against oppression, and both are headed for that chute which lately saw the rapid, fatal passage of the First, Fourth, Fifth and Sixth, to say nothing of the Fourteenth.

III

My natural prejudice, as I may have hinted, is in favor of the Bill of Rights. I believe that it is inherently wrong, not merely legally wrong, to subject peaceable citizens to "unreasonable searches and seizures," to give transient theological delusions the force of law, to make equity a device for depriving men accused of crime of the right to trial by jury, or to evade the old rule against double jeopardy. More, I believe that it is foolish, for doing such things quickly breaks down public confidence in the whole judicial process, and so makes for doubt, fear and unhappiness. I find it impossible to imagine a civilized people remaining easy in mind and spirit under a legal system which fills the land with irresponsible (and often criminal) spies, snouters and *agents provocateurs*, and gives special privileges at the bar of justice to thugs in the government uniform, and converts the courts into machines for breaking down the constitutional guarantees, invading the common rights of man, and providing sadistic shows for frenzied fanatics.

But I am not disposed to argue, in the manner of the Prohibitionists, that my private notions in this department should have the force of law. It may be that the majority of the American people hold to contrary notions; it may be that I am

wrong, and even sinful. All I argue is that the question ought to be settled, frankly and finally—that the citizens of this imperial Republic ought to have a chance to decide, through spokesmen chosen for that purpose, precisely what they are in favor of, and that what they are in favor of ought to be clearly set forth, and then enforced impartially and honestly. If they believe in the guarantees of the Bill of Rights, those guarantees should be restored to reality, and suitable penalties should be provided for their invasion, whether by judges or by other public servants. And if they believe that the Bill of Rights is buncombe, then it should be removed from the Constitution, and some other statement of the fundamental rights and duties of man—say that to be found in the Methodist Book of Discipline, or in the rules and regulations of Sing Sing Prison, or in the historic decisions and *obiter dicta* of Judge Webster Thayer—should be put in its place. What ails us now is a confusion in our fundamental law. The Bill of Rights says one thing, but according to the courts it means exactly the opposite. A citizen, reading it, gets a false and dangerous sense of security: it tells him plainly that this or that thing cannot be done to him. But that very thing is done to him every day.

The way out is to revise the whole Constitution—to rewrite it realistically, and in the light of what is now currently taught and believed about the rights and duties of the citizen. I am no prophet, and hence do not offer to forecast the nature of that revision. It may be that the American people, thinking it over soberly, will resolve to restore the Bill of Rights; it may be that they will scrap it as archaic and ridiculous. I am not sure. But of this I am certain: that a free people, asked to give up their ancient liberties, ought to have a fair chance to say yes or no, and not be rooked of them by a process suggesting that whereby a three-card monte man operates upon the husbandmen at a county fair.

H. L. M.

ELEGY IN A MALTY MOOD

BY BENJAMIN DeCASSERES

NEW YORK mourns its lost beer-trails. Wines, brandies, gins, whiskeys it has in quantities—and qualities—to make the stomach sick. Its face and neck are sicklied o'er with the red cast of methylated boils. But its beer is gone. Gambrinus has taken to using the needle. A bottle of needle-beer sells for from fifty to seventy-five cents. Six bottles will efface all memory of God, honor, family and but-toned-up decency in otherwise lovable and loyal souls. And the stuff that is not needed is draught slops that lie like a dead weight on the dear kidneys, which bark and yelp for help. Home brew? It is made in dirty crocks in dark cellars and darker tenement rooms, and drunk while still green; every bottle means you are one hour nearer the end of your insurance premiums. Gins and Scotches, as bad as they are, are better bets than most of the beer now to be had in New York. I speak as a *maestro*, not as an amateur. Volstead killed the brew that laid the golden souse, and the mellow suns that shone in scidels have sunk in a sea of poison and pollution.

Make no mistake—New York wants the old-fashioned saloon back. It wants the mirror wherein it can watch the slow transformation of its poker face to wreathed smiles and wanton jests. It is bent on getting Louis and Gus and their white aprons out of the speak-easy trenches, if not before this Christmas, then before some other Christmas. It dreams, talks and thinks of planting its belly once again against good old American timber, as they used to say in the Pigs' Knuckles Era. Its right leg has generations of cell-memories enshrined in it of being hoisted joyously on to a shining

rail. Every beer-lover is conscious of that atavistic leg habit and of its fierce, hidden rage at being balked. He wants to see once more the little swinging-doors, so like B. V. D. drawers—eternal symbol to him of the vocal and mental undress beyond. He wants the sand on the floor, the cheese and *Leberwurst* at the end of the bar, and the little round pretzel-bowl to nibble from and re-whet his dying thirst. And the dirty old bar-rag—more beautiful now in memory's hollow halls than the white plume of Henry of Navarre. Now he consults the calendar or feels out the weather to find when Spring has come; but in the grand days of the saloon he knew it by the appearance on a sudden miraculous day of four words flashed from thousands of magic casements: "Bock Beer" and "May Wine."

The hypocritical sop that the wets have thrown to the drys, "The saloon is gone forever," is heard by New York beer-lovers, the Kit Carsons and Stanleys of the great beer-trails of Manhattan, with tongue in cheek, if not finger to nose. No beer-buddy believes it for a moment. He's for Al Smith first, last and all the time; but if Al should be nominated for the Presidency and pussyfoot on beer (full-strength, domestic and imported beer, drawn from the wood!) he will lose New York. The beer-thirsty of that town do not care a hair on the head of a baldheaded eagle what Al thinks about the international debts, the Russian boycott, the theory of evolution, or the pitiful cry of the hog and wheat interests of the Dakotas. What interests them is release from Prohibition, which means, concretely and down to cases, domestic and imported beers in corner beer

saloons, the disappearance of which was coeval with the final collapse of democracy and the rise of boils. The near-beer of to-day bears about the same resemblance to what the millions of beer drinkers of New York want as a melted horsehair sofa does to a gushing barrel of Kulmbacher. The old-time saloon was a crime-dissolver, an idea-exchange, a public confessional. Ask Gus and Louis, priests of a million secrets that were absolved in "Have one on the house."

II

The gin-mill and the beer saloon—of which there were about fifteen thousand in the greater city before the invasion of the Goths and Vandals from the swamps, hayricks and cow-pens of the West and South—the gin-mill and the beer saloon belonged to two entirely different genera. The gin-mill was an evil-looking, cheerless, bare boozing-ken, wherein a pair of slit-eyes and cyclopean haymakers stood between a bar and a mirror which looked like the public comfort station of all the flies in the world. Beer was seldom drunk in such places. They were the clearing houses of rot-gut. They survive to-day in New York, multiplied a hundred-fold, as speak-easies. The old German beer saloon was the antithesis of a gin-mill. The bartender's face was a fat beam of light. His mirrors were chalked with delectable tent-cent dishes. There were often tall stools for the beer-buddies. The bar was lined from end to end with goblets filled with amber gullet-washes, their tops encircled with immaculate, evanescent collars of foam. Home and mother were never like that! New York was always beer-conscious, is so yet, and it will always be. To Bryan and Wheeler and their visible and invisible abettors the town was always, and still remains, the beer and wine Anti-Christ, if not the Scotch and rye Beast of the Apocalypse.

Then there were the great beer-halls, ratskellers and open-air beer gardens. Lüchow's!—magic word! Merely to pro-

nounce it now before a beer-loving New Yorker causes an auroral suffusion of his face and a blush of pleasure to his gizzards. Lüchow's!—immortalized in song and story, for it was Lüchow's great beer emporium in Fourteenth street—Irving place begins at Gramercy Park and ends at Lüchow's, not only the end of a street, but once upon a time the dock for all beer-going souls who sailed and sailed and sailed in boats of glass and stone—it was Lüchow's of which the poet sang the crashing song that fired the beer drinkers of the whole English-speaking world, "Down where the Würzburger Flows!":

Down, down, down where the Würzburger flows,
flows, flows—
Everyone knows, knows, knows.
Rhine wine it is fine,
But a big stein for mine!
Down where the Würzburger flows!

It was the national beer-anthem of my youth, and the bit I have just quoted rings out in my mind like wild bells to the now sadly blue sky.

James Huneker immortalized Lüchow's in "Steeplejack." August Lüchow is indexed in the book along with Mozart, Byron, Chopin, Gautier, Swinburne, Schopenhauer and Shakespeare. "I took a walk and got as far as Lüchow's," says Huneker. He was always walking and never getting any farther than Lüchow's. All beer-drinkers' walks ended at Lüchow's. Huneker and Lüchow, indeed, were almost interchangeable terms. Although Lüchow himself is now safe in the bosom of Gambrinus, Huneker's name is always mentioned with reverence by his successor, Mr. Eckstein, along with those of the other celebrated patrons of the place, which sound like a Who's Who of genius. There were De Pachmann, Anton Seidl, Ignace Paderewski, Vance Thompson, the De Reszkes, Leopold Godowsky, George Luks, William Glackens, Rafael Joseffy, Heinrich Conried, Victor Herbert, Georg Brandes, Edgar Fawcett, Antonin Dvořák, O. Henry, Max Alvary, Emil Fischer, John Quinn, William Butler Yeats—the list irks and dazzles. It

was in Lüchow's that Huneker threw a seidel of Pilsner into DePachmann's face because the "great Chopinzee" called Joseffy an unprintable name. Lüchow himself was one of the party and led the bizarre Vladimir to the lavatory to rid him of the Huneker-Pilsner douse. (Huneker later told me that he always regretted having named DePachmann "the Chopinzee.")

Lüchow opened his place in 1882. It was dedicated to beer. In all the years I frequented it, I do not now recall ever having seen a highball or a straight whiskey on the tables or at the bar. It would have been as incongruous a sight as Bishop Manning tending bar. There are one vast room and a number of smaller rooms on the first floor. Somehow the big room always conveys to me the mirage of vast thirsts. It is a room that has always been wall-lined in my beer-mind's eye with casks and shining spigots. For thirty-eight years a quartette thundered Beethoven, Liszt, Brahms and Strauss (*the* Strauss, Johann) to the gurgle and deep Rhineflow of millions of quarts of Würzburger and Pilsner. The orchestra still thunders from the Steinway and the Strads, but the gurgle and the guzzle and the flow of Würzburger and Pilsner have become cautious lip and throat wettings of depressing imitations suggesting the Gowanus Canal.

It was in Lüchow's that the Bohemian Society and the Society of Authors and Composers were organized and met for years on the second floor, where vast problems of enchanting blah were settled in skuttles of imported suds and to the yelp of George Luks' hoarse Ride of the Pennsylvania Dutch Valkyries from the top of a table. Blessed freshet!—now dissolved in the runnels of near-beer. The Steinway room, also on this floor, was of, for, and by the Steinway beer-boys. Mention of it will recall to all enlightened beer-drinkers the name of "Baron" Ferdinand Sinzig, of the house of Steinway, and the Würzburger and Pilsner ace of aces. Sinzig was from Cologne, and wherever imported beers were drunk in New York he was known.

He passed away, God be praised! before the Blight descended on the land whose liberty was achieved (so 'tis said) by a gentleman who left his Mount Vernon stills and vats to do the job. Sinzig could drink beer for a solid week without sleep. Pounding out Liszt, Bach or Debussy on the piano, he would exhaust the bungs of Lüchow and then start uptown, seeking for more seidels to annihilate. With his long, flowing moustache, his slouch hat, his broad tie, his hair that flowed into his ears and hid his collar, his eyes always a-twinkle, an anecdote ever on his lips, he was the incarnation of beer heartiness. His favorite *mot* was "Schopenhauer is a local issue."

August Lüchow was the greatest benefactor that the American kidney has ever had. He was the American agent for Würzburger and Pilsner. His whole life was given to putting America on a German-beer basis. His place in Fourteenth street is now a cenotaph buried in a Sahara.

III

I have before me as I write a booklet that should be filed away in Washington with the original draft of the Bill of Rights and other such obsolete documents. It is a large booklet of sixteen pages, beautifully printed and illustrated, and from its back dangles a small black seal on a cord stamped "Hofbräu Haus, New York." It is a twenty-year old beer-and-eats menu presented to me lately, with some pardonable lachrymose gutterings in both our throats, by Herr Schmitt, who has charge, in Mr. Janssen's absence, of the famous port of the pre-Volsteadean beer-parched at Broadway and Thirtieth street, "opposite Daly's Theatre," as this most precious of my rare incunabula saith. Almost everything that has been written in America since 1900—except checks—has been written with tongue in cheek, including Dr. Wilson's declaration of war, the Volstead law and "Abie's Irish Rose." But not this illuminated ritual of the gullet! It is a labor of love, conceived and wrought by the priests

of Pilsner. Merely to look at it whets and wets the appetites of the present population of the Ginmillennium. Perpend:

Bürger Bräu Pilsen—light, bitter, slightly veiled.

Münchener Hofbräu—dark, sweet, creamy.

Würzburger Bürger Bräu—a little lighter in color than the Münchener; not quite so sweet.

Nürnberger Tucher Bräu—called the Burgundy of all beers; very dark, creamy and full of character.

Following the old German custom, as it was in the days when Albrecht Dürer and Hans Sachs drank in Nürnberg's famous inn, the old bell in the *Schenke* is rung whenever a new cask is tapped.

Sitting with my cronies in the Hofbräu Haus annexing imported sausages with sauerkraut, and half-liter steins of deliciously kept Pilsner, I have heard the old joy-bell ring a thousand times. There is no more satisfying sound to your real beer fanatic. On Saturday nights the ringing was almost continuous. For the Hofbräu Haus, like Lüchow's, was not a preparatory school. They were post-graduate courses. August Janssen opened the place in 1898. He says he knew I was to arrive in New York in 1899, fresh from my conquest of thirty thousand quarts of Peter Schemm's dark, in Philadelphia—a beer, by the way, that came nearer to the great German beers than any that has ever been produced in America. Old Peter so loved his brew that until he committed suicide by leaping into Niagara Falls it was sold to only one out of every ten saloons in Philadelphia.

Mr. Janssen made his establishment—and it still is—one of the show-places of New York. It was dedicated to Fine Beers Kept Right. In this pious work he spared no expense. It is a replica, inside and out, of the famous inns of the medieval towns of München, Nürnberg, Leipzig and Frankfurt. A trip through its rooms is like an excursion into the soul of the muzzy, lushy, Devil-be-damned past, when Beaker, Flagon and Bung were the Trinity of priest and peasant and all good swizzle-nicks. The wainscoting in one room is from a three-hundred-year-old Nürnberg church, some of the stained window-glass is dated 1538, and there is a clock to be seen that is 195 years old. There are burned-in pictures on the walls of singing lobsters, their faces

mad with satyric glee, and of grotesque maidens of eld, soaked to their crowns of glory in wine. There are dancing steins, fat serving wenches who know not Parsifal, cocks that crow "Let there be drink!" and sly eyes that peep at you from tangled grape-vines.

The Hofbräu Haus, in a word, is a Cathedral of Bibulous Joy—that was. To sit in one of those half-darkened rooms, as I have lately done, produces in me the identical emotions of quiet ecstasy and peace, mixed with a soft and pensive melancholy, that I get when I sit alone in St. Patrick's Cathedral long after the service is over, as is my wont. And, indeed, the service *is* over in the Hofbräu Haus, as it is everywhere else in my country 'tis of thee.

IV

Terrace Garden! My psychometer registers a tremendous quake of joy in the breasts of thousands of New York beer-drinkers at seeing those two words. I can even hear the burbled sighs of old grand-dad—he knows!—for Terrace Garden, at Fifty-eighth street and Third avenue, was one of the oldest uptown open-air beer gardens in the town. My mother has told me that she used to visit the place on her trips to New York during the Civil War.

The garden was an immense affair that ran through to Fifty-ninth street. In a patronage of many years I have never seen anything but beer on the tables. It was a family drinking-place, sacred to the stolid bourgeoisie and their progeny, even unto the third generation. The diapered generation was given sips from the glasses and steins of the elders and allowed to nibble the mystic pretzel. The band played German and American airs, but no one ever paid much attention to it. Terrace Garden was, every Summer night, a beer gabfest, a box-plant grove of laughter that billowed its way up to the bead-winky stars. Domestic beers were drunk there in vast quantities—a nickel a glass, ten cents for a huge seidel or stein, and the honest

Heinie always threw in a basket of small pretzels free. In dark and remote corners of the gardens one could hear four or five good beer-pates exurgitating, *pianissimo*, some old German air or maybe "In the Gloaming, O My Darlink!" The building still stands, shot to hell by the illicit plum-brandy and whiskey distillers of the Western Farm Bloc and the Southern corn-mule rot-gutters.

Scheffel Hall, at Eighteenth street and Third avenue, was also a famous beer-hall in its day. It was patronized by the literati from Irving place and Gramercy Park. A seven-course dinner was to be had for forty-five cents—without water. If anyone—literatus or illiteratus—had ever ordered a glass of water in Scheffel Hall, Billy Allaire would have had him ejected. I was a regular attendant for many years at the services in the hall. An anecdote sticks out.

I spent an evening there with Murray Schloss, amateur Socialist and culture-hound *de luxe*. The conversation ran to poetry. After my tenth seidel I delivered my well-known dithyrambic glorification of Swinburne straight in the face of Schloss. He called Swinburne a lyrical loon and solemnly announced that Rudyard Kipling was a far greater poet. I quit the bird.

The following night, while I was seidel-ing alone in the hall, Jim Huneker blew in. He squatted with me and ordered three seidels *pronto*. I told him that Schloss had

pronounced Kipling a greater poet than Swinburne. Jim threw himself back, his chest expanded like an athlete's, his little gray eyes narrowed to a slit, his right fist doubled up for battle, and bawled at me:

"Didn't you smash the — — — —?"

At Ninety-eighth street and Broadway there stood Unter den Linden, an open-air beer garden like Bob Tagg's of blessed memory at Franklin street and Fairmount avenue, Philadelphia, where we used to fish for minnows in the fountain after midnight. Unter den Linden was only a neighborhood garden, but no doubt it will be remembered by all those who have travelled the great trunk lines of beer in what is now the Volsteadean Pompeii.

Pabst's Harlem Casino, up in 125th street, Feltman's at Coney Island (where the caterpillars dropped into your seidel; but who cared?), the Atlantic Gardens on the Bowery (where they threw in pretzels, *Leberwurst*, pickles and a whole vaudeville show with a five-cent beer), Schmitt's rathskeller in Fourteenth street, Madame Hoburg's at Third avenue and Fourteenth street (where Sadakichi Hartmann danced his epileptic boleros with a full seidel perched on his Gargantuan head till 6 A. M.), the Zumpraellatten in Thirteenth street, the Kaiserhof, Mock's, Buck's—

But I simply can't go on. It is to weep as only strong men with home-brew kidneys can weep over the emasculation of a god.

OFFICERS OF THE COURT

BY HORACE A. DAVIS

LEFT to themselves, lawyers have always tended strongly to metaphysics. In medieval days they spent their chief energies elaborating doctrines of real estate, first wrapping estates so tightly in red tape that nobody could convey them, and then, by inventing fictitious persons and intricate processes, undoing a trifle of the mischief they had accomplished. Of so little value was their work that after perhaps a couple of centuries of legal tinkering, the whole complicated structure was swept away by statute. Again, no more than a hundred years ago, generations of later solicitors in England had evolved a system of pleading so elaborate, so intricate, so artificial, so cumbersome that the merits of a lawsuit were wholly subordinated to the manner of its presentation. Once more the whole structure had to be swept away by statute. In this country we have been less fortunate, for in many States procedure still exerts a stranglehold on litigation. In New York, for instance, he is a bungling craftsman who cannot so entangle the simplest case with motions and appeals as to string it out over three or four years, if not to smother it entirely. This situation, strange to say, is the outgrowth of a statute whose authors pronounced it so clear and simple as to need no interpretation! Thus the lawyer of today is as much engrossed in winding red tape and as expert at the art as his predecessor of the Sixteenth Century.

The reason for this is fundamental. It goes back to the character of mind possessed by men naturally attracted to the law. There are many kinds of mind in the world and they may be classified in many

different ways. One rough cleavage is into practical minds and formal minds—those that concern themselves with substance and those that concern themselves with manner. The practical minds obviously have been of the greatest assistance in establishing man's physical welfare. They include the tillers of the soil, the builders, the merchants and carriers, the scientists. The formal minds have developed culture. Beginning with artists, they range downward through critics and teachers, clerks and bookkeepers to individuals so purely concerned with form that it is difficult to discover any real benefit they are capable of conferring on mankind—such as grammarians and bridge players. And sad to say, it is in this lowest category that belongs the dignified attorney at law.

For the law itself is nothing but a systemization of the rules of social life. In medieval times it was mostly an unwritten recognition of the customs of men in the limited contacts of that era. Now it is mostly a written codification of the rules of civic conduct in its ever more complex relations, still based chiefly on the customs of the day in commerce, property holding and personal relations. It is an abstraction, a formality. A man justifiably becomes a lawyer only because he has a mind so nicely adapted to these formal problems that it functions joyously when picking its devious way among contingent remainders and into the doctrine of *caveat emptor*. And so the lawyer, busying himself with the form of a formality, is twice removed from real life.

The attitude of mind that finds expression in such formalism is not only waste-

ful; it is positively harmful. A man whose whole thought is engrossed with codes and problems of how to conform to them—or often, unfortunately, how to evade them—loses all sense of reality. Instead of searching for the substance of things and the meaning of events, he hunts for precedents; instead of trying to analyze, he tries to classify. Anything new bewilders and frightens him. Instinctively, he resents any phenomenon which does not fit in with his scheme of the universe. When new laws of nature are discovered he struggles to make them conform to the old—shapes steam to hand and horsepower, electricity to steam. What he will do with radio and the airplane remains to be seen, but it is certain that the conquest of the air will cause much anguish to minds accustomed to the medieval theory that the owner of a plot of ground has proprietary rights in the atmosphere above him.

When the novelty is a social instead of a natural phenomenon, the lawyer does not submit tamely. Instead he denounces and resists it. He resents a new economic force with a vigor equal only to that of the man of property whose privileges are being brushed away by the sweep of social development. He refuses to admit that the great changes produced by industrialism have new significance, that women and children in industry are any different from men, that labor may combine and demand a greater share in the output, that centralization of production follows an economic and not a statutory law. His world is the pastoral village of Queen Anne and his rules to govern it lie in the sacred pages of Blackstone.

Take, for instance, the case of a workman injured in a factory. It was not the legal profession which evolved the modern doctrine that each industry must take care of its own wreckage. On the contrary, the lawyers and the courts exerted all their energy and acumen to prevent the discovery and application of that doctrine. They first applied the familiar rule of contributory negligence—that if the workman

had any share in causing the accident he might not recover compensation for his injury; they next invented the highly artificial and unsound rule that if the accident was caused by some other workman—a fellow servant—the employer was not responsible; finally, when the state took the matter into its own hands by enacting laws for the compensation of the unfortunate victim through compulsory insurance, they attacked the statutes on the ground of unconstitutionality and in some States at least compelled amendments of the State constitutions in order to make them valid. All told, the lawyers were responsible for a delay of just about one hundred years in the solution of this pressing and highly important social problem.

The instance is typical. Every step in social progress has met the same resistance from lawyers—not because they hate their fellow men, but because they hate change. It is the inevitable reaction of the formal mind. At their best, lawyers are of just about as much value to society as an army of cross-word puzzle fans; at their all too frequent worst, they are a deadly drag on social progress.

This obstructive attitude of the legal profession has the greater significance because lawyers have always had a weight in the community far beyond their mental and social deserts. Their training as debaters makes it easy for them to take the lead wherever their fellow citizens gather, whether at the town-meeting or at the tavern; and the same qualification has given them a commanding influence in politics and a predominating share of political office of every description. Most of all have they increased their authority by constituting the select class from which judges must be chosen. In the theory of our government and in the hearts of a democratic people, judges occupy a most important and exalted position. They form one of the three great branches of the state, ranking equally with the executive and legislature. Thus, controlling exclusively one-third of the government and furnishing

a large proportion of the personnel for the other two-thirds, lawyers have to an extraordinary degree dominated our whole government.

But just in so far as our Presidents, our Senators, our Congressmen, our Justices of the Supreme Court and all our host of State officials are lawyers, they are unfitted to be public servants. By nature and by training they are formalists. They look only at the shape of things. They are timid and conservative—not only uninterested in what is new, but prejudiced against it just because it is new. Such men are not what the nation needs as officials. It needs clear-sighted, open-minded men who examine into the substance of things, whose thoughts are directed to human values, and who welcome what is new for the good they can find in it. The lawyer has made himself a grave public question politically as well as economically,—so grave, in fact, that his very existence invites challenge as a public menace.

II

The question, then, is whether we can spare this great army of solicitors, prosecutors, advocates, barristers, counselors and attorneys, as they variously call themselves. That depends upon whether they render to the community any essential service. It would be an endless task to take up one by one the various activities to which lawyers devote themselves under the guise of professional work. The only practical way to answer our question is to drive straight at the heart of the matter by setting down in untechnical language such valuable service as a formal mind with legal training is really adapted to render to the community. It will be easy enough to check back later as far as patience will permit, and determine whether the classification is fair and complete.

Tested by this harshly practical criterion, the essential legal services prove to be singularly few. In fact, there are only four:

1. To ascertain estates in property;
2. To draft and interpret statutes;
3. To draw solemn documents;
4. To facilitate the just settlement of disputes.

There are no others. And these few are likely to diminish rather than increase in both number and importance.

1. *To ascertain estates in property.* Society is not yet ready for absolute simplicity of titles to property. In chattels, to use the legal term, there has never been much complexity of title. But in real estate there has been and still is infinite confusion. At first there was the feudal system, and scarcely were we well rid of that and all the complications it created when the unearned increment began to exert its subtle influence. The modern tendency to split up the ownership by leases and temporary estates, so that the immediate owner or his heirs may share in the prospective increase of value, is at the moment probably increasing the confusion of titles. Also there have always been and long will be trusts of various sorts, and mortgages. There is, to be sure, a slight tendency toward a simplification of estates, and from time to time some of the most grotesque tenures are abolished by statute, but progress in this direction is slow and uncertain. There is also some tendency toward simplifying transfers of land by requiring registration under public scrutiny and with official certification. Although vigorously opposed by the legal profession, this system of public registration, usually called the Torrens system, has taken root, in a mild, permissive form, in many States and is apparently growing steadily. Meanwhile, lawyers are needed to trace the devolution of land titles and ascertain the ownership of the various permissible estates. True, the most important part of this burden is carried now by title insurance companies, but they in turn are composed chiefly of lawyers.

2. *To draft and interpret statutes.* It is a curious fact that so little have lawyers appreciated their close and vital connection with statute law that our principal

law-schools have given but slight and desultory instruction in the interpretation of statutes, and none at all in drafting. Until within the last dozen years we have taken it for granted that any man could draw a statute and we have suffered from the effects of clumsy, unintelligent and at times even dishonest legislation. Of late years some States, notably Wisconsin, have awakened to the fact that the drafting of statutes requires wide knowledge and expert training and have provided the machinery to furnish such assistance. Naturally, those best fitted for the job are lawyers. To lawyers also falls the task of telling the simple-minded citizen what all the great mass of statute law means. With codes at every corner and the Legislatures of forty-eight States and the Federal government pouring out new laws by the thousand every year, society cannot escape the duty of delegating to some members of the community the task of keeping track of legislation and advising individuals how they are affected.

3. *To draw solemn documents.* Comparatively few people have the gift of clear expression. Lawyers are trained directly to clear thinking and the accurate use of language; and their advice to persons who desire to set down some thought in writing is a proper social function. The common legal documents are wills, deeds and contracts. All of these tend to become standardized. There are forms at every stationer's for wills, conveyances, leases, mortgages, and contracts of sale. Certificates of incorporation can also be purchased in blank, while such documents as insurance policies and bills of lading are absolutely rigid in all their formal parts. The chief function of the lawyer in his documentary work consists in making an accurate and intelligible record of the agreement of two persons attempting to engage in some joint enterprise.

4. *To facilitate the just settlement of disputes.* The settlement of disputes has always been and always will be an important function of the state. In all civilized com-

munities it has been in charge of a judicial department headed by judges recruited from the legal profession. In so far as a lawyer's training teaches him to think clearly, it is good preparation for a judgeship; but in so far as it teaches him formalism, it is the worst possible. To select judges without legal training would, however, be too much of an experiment at present, and for the future it will probably be easier to change our law-schools than our judicial system. We may grant, then, that judges are a useful product of the legal profession. Attorneys also are a necessary part of the judicial machinery in any but the most primitive courts. They have the task of preliminary investigation and orderly presentation of the controversy.

III

This brief list completes the tale of essential services rendered by the lawyer to the community. Of course it covers only a small part of the average practitioner's business; but his other activities will be found on analysis to be non-legal, non-essential or anti-social. The settlement and management of estates, for instance, is a lucrative branch of the average lawyer's practice, but it requires only the functions of an accountant and a banker and is rapidly being absorbed by the trust companies. The organization and reorganization of corporations is strictly a business affair. And incidentally it may be noted that the men who make a great financial success in the law almost without exception earn their fees by giving advice on commercial and industrial problems. The little law they require is supplied by clerks who consider themselves well paid at \$3500 a year. Among the other members of the bar who do not really practice law are the patent solicitors. Their status is that of scientific experts who describe in technical language the inventor's device and its mechanical, electrical or chemical operation. Trial lawyers and the great group of counsel who write briefs and

argue cases on appeal are for the most part engaged in anti-social work, and so with many minor groups, such as the specialists in taxation. The reason why their activities are anti-social will more clearly appear if we pause for a moment to consider the lawyer at his theoretical best.

In their most exalted moments lawyers are wont to refer to themselves as officers of the court. Rather an empty phrase nowadays, unfortunately; but with a genuine and most important implication, for lawyers at their best are and ought to be precisely that—officers of the court, with their first and only allegiance to the state. Officers of the court are public officials and as such should be devoted to their country as exclusively and loyally as a major-general or an ambassador. Their sole aim should be to promote the public welfare. Accuracy in workmanship, justice as between conflicting interests, tolerance and common sense in all social questions, no matter in what direction they may tend;—these should be their standards of service.

Suppose we take lawyers at their word, make them officers of the court and deprive them of all other functions. Under this system the lawyer will have no clients. He will act impartially for whomsoever seeks his advice, usually for both parties to a contract and often for both parties to a controversy. He will accept no retainer, no fee. The person seeking advice will pay the state a fixed fee and the state will pay the lawyer a salary. In this way the lawyer will avoid prejudice and entanglement in private schemes; he will have no private relations with his customers. Receiving no fees, he will have no personal interest in the solution of any question submitted to him and will be able to give it that disinterested consideration required in order to live up to the high ideals expected of him.

How the scheme would work in detail can best be described by reviewing our list of proper legal functions—and perhaps some improper ones:

1. *To ascertain estates in property.* The new scheme will fit the Torrens system perfectly. To have land titles approved by public officials will in itself make them a matter of public concern and pave the way naturally for public registration. Inevitably it will tend to a healthy simplification of estates, for without the spur of a conflict of interests with a large fee rewarding the successful attorney, the lawyer will lack incentive to waste his time discussing whether a possibility of reverter may be devised. However, while the title business is controlled by insurance companies, it may be necessary to let them employ a staff of experts who, though trained as lawyers, will not form part of the official corps.

2. *To draft and interpret statutes.* Already the lawyers regularly engaged in drafting statutes are public servants in the employ of the Legislature or of some State institution. The new plan will make no change. For those engaged in interpreting statutes the change will be fundamental. The lawyer will primarily represent the state. It will be his duty to regard the spirit as well as the letter of the law, and when the business man seeks advice on a plan of action condemned by statute, to warn him that what he proposes is illegal and that he must conform to public policy. No longer will big business boast that it hires the best legal brains in the country to drive holes through the law so that it can accomplish what the Legislature tries to forbid. No longer will attorneys advise how to evade taxation, or where to incorporate with the least obligation, or how to get the easiest divorce. It may be argued that our statutes are often unsound and unduly restrictive;—that it is for the best interests of the community that they should not be strictly followed. But the answer is that in no case should they be evaded. They should be obeyed (or in some cases openly defied), and relief from an unhealthy condition sought at the hands of the Legislature which created it. And moreover, it is not too much to hope

that when honest devotion to the public interest prevails in both the drafting and the interpreting of statutes, the quality of our legislation will greatly improve.

3. *To draw solemn documents.* In drafting wills, declarations of trust and other documents, the entire policy of which is dictated by one individual, the official lawyer will function like his brother of today, except that he will not advise his customer how to evade death duties and other obligations to the state. In contracts he will require the presence of all parties in interest, will ascertain from careful questioning their exact purpose and whether they are in accord on all essential points, and will then reduce their agreement to the plainest possible language. He will call attention to the contingencies likely to arise in the proposed undertaking, so far as his experience and learning enable him to, and will see that the parties agree what shall be done in such event or are satisfied to make no provision for it; but he will not allow either party to gain an advantage over the other by slipping in a joker, or by leaving out some obligation which ought to be expressed. His functions in this branch of his duties will closely resemble those of the French *notaire*.

4. *To facilitate the just settlement of disputes.* In the handling of disputes, including criminal charges, the official lawyer will again differ most radically from the privately retained attorney. His first aim will not be so different in theory, for it will be to learn the facts; but even here his search will practically take a somewhat different slant, since he will be concerned only with the ultimate truth, and not with what facts best support his customer's claim. When in possession of the truth his duty will be to urge a just settlement, first on the parties, and then, if they are still unreconciled, on the court. Whether the case be civil or criminal, he will have no incentive to help one side rather than the other to win. He will not achieve glory or political preferment by framing a murder case against an innocent

man; he will not get an extra large fee or some new business by cajoling the jury or misleading the judge into an unfair decision. Especially will the endless rigmarole of motions and proceedings disappear, the burden of the courts will be enormously lightened by dispensing with unnecessary papers and arguments, and cases will take hardly more days to settle than they now take years. Appeals will not be permitted except in extraordinary cases. The whole system of intermediate appellate courts will be wiped out and the final appeals will be few and far between.

All this may be predicted with confidence because, in the first place, when the lawyers are solely concerned with rendering justice, they will do everything possible to bring the parties to an amicable agreement. If that is not possible, then the litigants can come promptly before the court with the lawyer for each side bending every effort to prove the truth and each equally intent on finding the just settlement. In every case, civil or criminal, the lawyer will act in a semi-judicial capacity. By the time the question is ready for judgment it will have been virtually passed on by three judges. With no effort to delay and no incentive to entangle the case, there will simply be no need for motions and proceedings; and unless the judge himself is in doubt or some important question of public policy is involved there will be no need of appeal.

IV

The time of the courts today is about nine-tenths occupied with rulings on questions of evidence. Note that: not the proof of the claim, but *how* to prove it. This is all a mere matter of form. The French, without any rules of evidence, approximate justice quite as nearly as we do. With both sides intent on getting at the truth, we also should need no rules of evidence. Disputes would resolve themselves into very few classes—those where there was fraud on one side, where there was an honest difference of opinion, and where the question

was how much weight should be given to one set of circumstances as against another. Cases founded on fraud would soon disappear, because the claimant's own lawyer would be as keen to uncover it as would the opposing parties. So, also, fictitious defences and dilatory tactics—perfectly reputable today, though essentially fraudulent—would no longer avail.

Honest difference of opinion does not lead to much litigation unless it is accompanied by bad feeling. When the opposing parties respect each other it is usually easy to arbitrate their differences. When the opposition is accompanied by suspicion or malice, the court must get all the information it can, and no matter how much ill feeling there may be, there should be no reason for not accepting the trial judge's decision as final. So where there has been an accident, an unforeseen occurrence or even a violation of somebody's rights, the question, Who should bear the loss? often requires judicial decision. There is no reason in any of these cases why the proceedings should be cluttered up with rulings on evidence and appeals. With lawyers and court all engaged in the search for truth and justice, a speedy, untechnical hearing and decision should and ordinarily would be satisfactory to both parties. Even if a disappointed litigant wished to nurse his grievance, there is no reason why the community should encourage him. When trials are no longer regarded as sporting events he could not insist that he had not had a run for his money. Above all, the proposed plan would abolish the pernicious system of contingent fees—a system which gives the lawyer of today a financial motive to instigate litigation and to complicate it in every possible manner in order to frighten or weary the defendant, regardless of justice, into some settlement in which the plaintiff's attorney shares.

The radical change in the lawyer's attitude would inevitably result in a vast decrease in litigation. In this country court calendars are always clogged, cases take years to reach trial, and more years to be

disposed of on appeal; and yet our only remedy is to appoint more judges. We should not need one-tenth of the judges we now have if the officers of the court were all engaged solely in the quest of truth and justice. The criminal courts as well as the civil would be less and less crowded as the community adjusted itself to the fact that speedy conviction of crime would follow in regular course, for rich as well as poor, when no attorney could be privately retained to outwit the state or throw sand into the gears of the judicial machinery.

An apparent objection to turning all lawyers into salaried state officials is that it would cost too much. But make no mistake about this: society is today paying the upkeep of the great army of lawyers, and incidentally getting little or nothing in return. The corporation with its legal staff, the business man with his annual allowance for legal expenses, recognize their burden and pass it along to the public in the increased price of merchandise. The lawyer produces nothing. He lives at the expense of the community just as certainly as though he were paid a salary by the state and you and I were taxed to supply the public funds. The expense of the proposed plan would be no objection even if the community were obliged to support as many officers of the court as it now supports lawyers. But it is easy to foresee that the expense will in fact be much less.

The first effect of nationalizing the profession will be to drive frankly over into business that great army of so-called lawyers whose real occupation is giving business advice. The exodus will include many of the most distinguished members of the bar, whose advance in the profession has been marked by a steady decrease in legal activity and an ever-increasing attention to problems of commerce and industry, especially finance. At the other extreme, the shyster and the tax specialist will be out of jobs. It will be cheaper for the state to pension them in some Lawyers' Snug Harbor than to pay the toll it now pays in mischievous litigation and evasion

of the law. Practically, however, some could be put to work in the various white-collar jobs of the government, even if not strictly legal. Clearly the number of officers of the court needed to perform the strictly legal functions required by society would be very small. It is a matter of guesswork to say how few would suffice; but as we should inevitably start with more than we needed, having on our hands so many members of the bar unfit for other occupation, we could safely limit the number to one for every twenty thousand of population until the present generation of lawyers was disposed of and we had a chance to estimate our needs on the basis of experience. In other words, all we need do

now is to cut off the supply of new recruits for fifteen or twenty years.

So far from expense being an objection, the economy in legal outlay to the community would in itself be a strong argument in favor of the change, for there would be a saving all along the line—in the decreased number of lawyers, in the reduced legal machinery, and in less wasteful litigation. Officers of the court without clients and without fees! Surely something worth striving for! Instead of an army of wasters whose vocation it is to teach us how to live and die with the least return to the community, we should have a small group of officials devoted to seeking truth, justice and the public welfare.

AMERICANA

CALIFORNIA

Prose pastel from the celebrated Los Angeles Times:

There never has been a greater nor a higher civilization than that which now stands proudly upon the soil of the United States, and no civilization has ever been more faithfully typified in its best works than by some of our great films. . . . There is nowhere on earth a more Christian civilization with the precepts of love, charity and generosity to mankind underlying its official and social life. There is not a more scientific civilization, nor ever has been, and science is just a measure of man's success in interpreting God's handiwork. No nation has ever held a civilization with equal genius, proportionate energy, or comparable democracy of social wealth and justice—and the film center's work as a whole is symbolical of this greatest and highest of world civilizations.

The Methodist Board of Temperance, Prohibition and Public Morals captures the movies:

Profanity, ridicule of the clergy and all sneers at the Federal Constitution, particularly the Prohibition Amendment, have been banned from films produced by members of the Association of Motion Picture Producers, Inc.

LEGAL news from the charming town of Orange:

The Rev. N. F. Jensen, former pastor of the Emanuel Evangelical Lutheran Church at Orange, and his friend and organist at the church, Mrs. Matilda Grote, wife of a prominent Orange merchant, charged with "indiscretions," have been freed of all blame after a three-day trial in the county court. Mrs. Jennie Jensen, in her court action, charged her husband with "taking several bites from Mrs. Grote's sandwich at a picnic party while refusing to take even one from hers."

GEORGIA

TROUBLES of the golfers in the grand old town of Columbus:

To The Honorable Board of
County Commissioners,
Muscogee County, Ga.

GENTLEMEN: By direction of the Governing Board of the Country Club of Columbus, I

would call your attention to better police protection, if possible, of the property of the Club.

As the cost of enclosing the 120 acres of property is prohibitive, the Club property is an inviting place for disorderly trespassers, who drive over the Golf course, use the woods for immoral purposes and create disorder around the club house. More recently, drunken parties have gone in naked in our swimming pool, after midnight, causing us to change the water at great expense.

Your consideration of the situation is respectfully invited with the hope that we can have some practical aid.

Very truly yours,

F. B. GORDON, Pres't.

EDITOR W. B. TOWNSEND in the celebrated Dahlonega Nugget:

It is reported that a few months ago when it was believed that a certain man in this county was on his death bed, another person who he was owing thirty-five cents, sent after the money. Such is life.

AUTHORITATIVE theological news in the eminent Macon Telegraph:

To the Editor of The Telegraph:

Tuesday of this week, very early in the morning between midnight and day, after and in the midst of prayer and thanksgiving and apparently under high inspiration and part of the time seemingly under the control of the Spirit, these, among other things, were spoken through me:

(I. God is Love)

"I am love. I am the God of infinite and everlasting love. I am the King of pity and compassion. I love the whole creation. I love everything. I am deeply in love with my people.

(II. God, the Holy One and the Healing One)

"I am the Healing One. I am the Holy One. I am the Holy One of the holy people. I am good, I am King of kings and Lord of lords. I am all and in all. I am everything.

(III. Pouring out of the Spirit upon all flesh)

"I am pouring out my Spirit upon all flesh. I am giving the keys to my people. I am giving the Holy places to my people. I am giving everything to my people.

(IV. The Lord's Coming)

"I am to come in my people. I am to come in everything. I am coming in the clouds of glory.

(V. The Leader of His people)

"I am going to lead my people. I lead my people. I give them my own Holy light. I am living in the holy people. I am living in the holy kings.

(VI. The peace makers)

"I want my people to be peace makers. I want all my loved ones to be in one mind and one spirit. I want my people to be one.

(VII. Against war and capital punishment)

"I am against war. I am against capital punishment. I want everything done in the most loving way.

(VIII. Good news to the whole world)

"I want the knowledge of my love given to the whole world."

J. R. MOSELEY.

Macon, Ga.

ILLINOIS

ADVERTISEMENT in the Chicago Tribune:

EXTRA SPECIAL BARGAIN

Conover Welte Mignon grand, \$2,750 instrument. Has seen very little use. Customer obliged to leave city account of bootlegging. Will sell for balance due. Address S W 140 Tribune.

INAUGURATION of another indoor sport by the Men of Vision of Danville, the old home of Uncle Joe Cannon:

To demonstrate a bullet-proof vest, James Letts, a salesman, stood up before the Rotary Club here and had a policeman fire a revolver at him. The bullet struck the vest, lead splattered about the room, and three persons had to be treated for minor wounds.

IOWA

MRS. LORA S. LAMANCE, eminent lecturer, speaking before the sixteenth annual convention of the W. C. T. U. of Linn county, as reported by the Cedar Rapids *Evening Gazette and Republican*:

Mrs. LaMance characterized the Prohibition law as "the second biggest law that man has invoked since time began." The first big law, she declared, was the Ten Commandments.

KENTUCKY

THE editor of the Calloway *Ledger* appraises a candidate for Governor:

Mr. Beckham is a blooded animal, bred in the purple and of aristocratic lineage. He is real show stock, whose royal coat glistens in the noonday sun. For exhibition purposes he can take the blue ribbon at any fair. For general utility, not so good. He is handsome, amiable, graceful, and of charming personality—a gentleman to the manner born and truly representative of the South befo' de wah, when Rastus

did all the work and the white gentlemen pursued the lines of least resistance. The type doesn't fit in at all in this age of progress and development. Governor Beckham, however, would know exactly how to enter into and back out of the drawing-room of Buckingham palace or Windsor castle. He would, if elected Governor, uphold the romance and traditions of the old, old Kentucky—the old South of the long, long ago. The Governor's mansion would be a gathering place for the beauty and chivalry and gay gallantry of the Blue Grass section. A hospitable home where even the humblest citizen would be welcome and receive royal treatment—where the Governor himself without doubt would carry his tired and dusty guest down into the cellar and fix up something refreshing with his own hands.

PUBLIC notice in the Louisville *Leader*, a popular Aframerican journal:

This is to certify that I, the undersigned, am hereby divorced from the bonds of matrimony with James Lewis, and am restored to all the rights and privileges of an unmarried woman.

PEARL LEWIS.

MARYLAND FREE STATE

OFFICIAL dithyrambs by Professor Alexander Geddes, by the grace of God poet laureate of the great city of Baltimore:

Some of the folks who like to roam
Away from the dear old Baltimore home,
Are glad enough to return once more
To a celebration at Baltimore.

Our real attractions prove the best
Besides New York and all the rest.
And when it comes to home or joy,
Old Baltimore brings back the girl and boy.

Some cities might seem greater far,
While travelling in a touring car;
But when one dreams of days of yore,
One wants to go home to Baltimore.

So carry me back to old Baltimore,
From North, South, East or West never more
Might I stray away from the city I love,
Because it's as dear as the mansions above.

MICHIGAN

RECREATION of the academicians of the State university, as disclosed by an advertisement in the college daily:

SLICKERS ORNAMENTED

I have a complete line of designs which I would be glad to engrave with oils on slickers at reasonable prices. Call at 715 Monroe street and see my assortment.

Monograms and Mythological Figures a Specialty.
Dial 4053. N. W. H.

MINNESOTA

THE æsthetic passion in Minneapolis, as described by the eminent *Tribune*:

A. R. Rogers, president of the Civic and Commerce Association, pointed out that the Minneapolis Symphony Orchestra has a payroll of more than \$250,000 a year, and added that "it is Minneapolis' job to see that such payrolls do not get away from the city."

MISSOURI

STRANGELY naïve news item in the celebrated Kansas City *Star*:

Albert R. Jones, 5701 Mission drive, an oil producer, has been elected to the board of trustees of Lincoln and Lee University, Bishop E. L. Waldorf, chairman of the board, announced late yesterday. This brings the total contributions to \$1,342,041.62.

ECCLESIASTICAL handbill from the great city of St. Louis:

DOES IT PAY TO BE A CHRISTIAN?

Is the Topic for Discussion at the
EVANGELISTIC

MASS MEETING

at the

TABERNACLE BAPTIST CHURCH
3100 Washington at Compton Ave.

DR. S. A. MOSELEY, *Pastor*
Sunday, at 3:00 P. M.

THE PRINCIPAL SPEAKER

DR. BENJAMIN J. PERKINS, OF MEMPHIS, OUR National Pastoral Evangelist, who is in charge of an eight days' meeting, will be the principal speaker. Dr. Perkins will also preach at 11:00 A. M. and 8:00 P. M.

A CALL FOR RELIGIOUS BUSINESS MEN AND
WOMEN

The business men and women, regardless to race or color, who know the real value of religion and the proper relation that business and religion should sustain to each other, are called upon to be present and speak out just a few minutes on the above subject.

Upon your arrival kindly pass your business card, or your name and address, to Pastor Moseley, who will preside as master of ceremonies, under the supervision of the Holy Spirit.

DR. S. A. MOSELEY, *Pastor*.
W. E. WARD, *Secretary*.

NEBRASKA

VIRTUOUS reflection of the eminent Lincoln *Journal*:

The adventure of Lindbergh, the thrill it gave the whole world, serves to remind us that the

deepest experiences of life have no relation to the sex theme.

NEW JERSEY

SPIRITUAL advertisement in the Clifton *Journal*:

WANTED—MEN AND WOMEN WITH A
VISION

There is no business or profession which offers greater opportunity for Service (spelled with a capital S) to Mankind than the Profession of spreading the Gospel of Life Insurance.

We can use a few Ladies and Gentlemen in Passaic, Bergen, Hudson, and Essex Counties as our representatives in this field.

DEANE & SAXE

GENERAL AGENTS

The Midland Mutual Life Insurance Company

Room 412 Lawyers Building

Passaic, New Jersey

Tel. Pass. 9395

NEW YORK

SOCIAL service provided by a well-known Manhattan bastille of worship:

FREE LECTURE FREE
by

J. L. WOOLSEY

for Men and Women

THE REJUVENATION of the FACE

Your personal appearance is worth the cost of effort

Learn how to remove lines, sags and wrinkles by developing the muscles beneath the skin.

Rejuvenate the face and reestablish the normal contour and expression of youth.

Learn to do with your own fingers what the plastic surgeon accomplishes only with a knife.

Come and spend an interesting and profitable evening. This lecture followed by three class lectures.

MANHATTAN CHURCH

Broadway at 76th Street

New York

NOTICE circulated among the æsthetes attending the Stadium concerts of the Philharmonic Orchestra:

We would respectfully request that the audience refrain from throwing mats. While we appreciate and value the spirit and enthusiasm which prompts these demonstrations, in view of the fact that personal injuries have resulted, we feel sure that the audience will refrain from this form of demonstration in future.

STADIUM CONCERTS, Inc.

NORTH CAROLINA

ECCLESIASTICAL placard prominently displayed on all the fences of the lovely town of Durham:

DANCE

EVANGELIST

JOHN C. COWELL, JR.

Calls for all Undertakers, Ambulances, Doctors,
and Red Cross Nurses to be at the

LIBERTY WAREHOUSE

TABERNACLE

Rigsbee Ave.

DURHAM, N. C.

Wednesday Night, 7:45 P. M.

To Take Care of All the Dead and Wounded
Dancers, Card Players, and Theatre Goers

Everybody Invited

SUBJECT:

"UNMASKING THE MODERN DANCE"

Cowell Will Skin—Ramsay Will Hold

FROM the celebrated Burlington *Daily Times*:

Lee Scott, a young white man, took issue with a preacher in the pulpit at the Baptist Association at Gilliam's Church yesterday when the preacher was illustrating his sermon with a personal experience in which his brother was struck down beside him by lightning.

Apparently the speaker was rounding out the point that the Lord used discretion in taking his brother in place of himself, leaving him to do useful work in the ministry, for he said, according to evidence at the hearing before Judge W. Luther Cates, "I think the right man was hit."

Whereupon Lee Scott stirred in his seat, half rose, and injected into the tense atmosphere this, the court said:

"No, I think the Lord made a mistake. I think the lightning struck the wrong man. It should have got you."

For the utterance Judge Cates fined him \$10 and the costs.

NORTH DAKOTA

MORE evidence that the West leads the country in Big Ideas, as set forth by a dispatch from Grand Forks:

Governor A. G. Sorlie has asked barbers to talk to their patrons about State industries, improving opportune moments between the scrapes of the razor and the snip of the shears. "Barber shops," the Governor says, "are practically newspapers in their dissemination of news."

OHIO

THE rewards of a Christian in the pious town of Pomeroy:

Several months ago Frank Foley, formerly in the automobile business here, returned and paid several thousand dollars worth of legally cancelled debts, which he told creditors he considered honorable obligations. Now he is in

jail for eight months charged with liquor violations.

THE Cincinnati *Times-Star* uncovers a new crime in that great city:

It was 11:40 P. M. Saturday, and the family of John H. Strubbe, 222 Oak street, was preparing for bed. The door bell rang. Strubbe answered the call. He opened the door and saw a man standing on the porch.

"Got a chew of tobacco?" the man asked Strubbe.

The police were notified and Sergeant Creelam and Patrolman Grossman went to the neighborhood. They arrested a man registered as James Goodman, 57, 2649 Bellevue avenue. He was identified by Strubbe.

PENNSYLVANIA

THE Hon. Harry A. Mackey, treasurer of the great city of Philadelphia, as revealed by the West Philadelphia *Times*:

Mr. Mackey is a member of the Elks' Luncheon Club; Fourth Estate Square Club; Intercollegiate Association of Amateur Athletes of America; Lawyers' Club of Philadelphia; Old Guard—State Fencibles; Order of Liberty Bell; Pennsylvania Housing and Town Planning Association; the Cedar Avenue Improvement Association; City Club of Philadelphia; Optimist Club of Philadelphia; Sixtieth and Market Streets Business Men's Association; Siegel Home Town Improvement Association; Philadelphia Forum; Philadelphia Lodge No. 2, B. P. O. Elks; Grand Fraternity Branch No. 300; Hamilton Council No. 841; Fraternal Patriotic Americans; Friendly Sons of St. Patrick; Koran Grotto No. 54, Mystic Order of Veiled Prophets of Enchanted Realm; Keystone Automobile Club; Keystone Commandery No. 48, P. O. S. of A.; Lu Lu Temple, A. A. O. N. M. S.; E. Coppee Mitchell Lodge No. 605, F. and A. M.; Philadelphia Lodge No. 54, Loyal Order of Moose; Melita R. A. Chapter No. 284; Mary Commandery No. 36, Knights Templar; National League of Masonic Clubs; Osage Tribe No. 113, Improved Order of Red Men; Philadelphia Boosters' Association; Edwin A. Shubert Council No. 728, Order of Independent Americans; Philadelphia Forest No. 20, Tall Cedars of Lebanon; Washington Camp No. 672, P. O. S. of A.; West Philadelphia Square Club; West Philadelphia Shrine Club; Forty Strolling Golfers; Pennsylvania Varsity Club; Penn Athletic Club; Seaview Golf Club; Veteran Athletes of Philadelphia; American Association for Labor Legislation; . . .

THE Rev. Charles S. Poling, pastor of the Second Presbyterian Church of Pittsburgh, as reported by the celebrated *Chronicle Telegraph*:

The pastor stated that, according to Scripture, Heaven would cover over 1,150,000 square miles, that it would be ten times as big as Ger-

many, ten times as big as France and forty times as big as England, and that on the basis of the number of people to the square mile in the city of London, the population would be 100,000,000,000—seventy times the present population of the globe.

PUBLIC notice in the Du Bois *Courier*:

In regard to the scandal that is traveling over the country in the neighborhood of Union Township about Harris Kirk and my wife is not so, and I am very sorry that I made that mistake, but I demand, by law, that there be nothing more said about it but put the blame on me.

RALPH LUCE.

VIRGINIA

How a 100% American expressed himself in the columns of the sanctified Boston *Transcript* on the day of the celebrated butchery:

The [Sacco-Vanzetti] case resolves itself into a studied effort to make light of American fundamentals. It is the last gun fired at ancient New England institutions, and particularly an effort to relegate to the trash pile all the credit that has been awarded to New England for the great part it played in colonial and in modern times in the establishment of American institutions and in the formation and preservation of the American Union. It is the last effort to graft on to American institutions the Bolshevik principles of Russia, the irreligion and immorality of Europe, and the utter destruction of home and fireside.

The condemned men should be reprieved until after the crops are all in, and the Governor of each New England State should advertise a homecoming week, and a great convention of red-blooded Americans held in Boston. Some New Englander once wrote a book entitled "Southern Federals," showing that over two hundred Southern white men fought in the Federal Army during the Civil War. The author should write another book showing the percentage of Southern people of today who are of New England ancestry, which is enormous, stretching from Maryland to Texas.

And on the day of the execution in Boston, with the city filled with Mississippians and Texans, swear in 15,000 of them as policemen, and if any red shows his head put a bullet in him and throw his body into the Charles river. The writer of these lines has never visited the home of his ancestors in New England, and there are thousands of other Southerners who are waiting for the chance of visiting New England. All we want is the opportunity.

Arlington, Va. LEROY STAFFORD BOYD

WASHINGTON

ECCLESIASTICAL advertisement in the Seattle *Daily Times*:

"WHERE IS HEAVEN?"

Professor Everson will tell the exact location of Heaven, what its inhabitants look like, their occupation, whether children grow up, if we will know one another, why Heaven will never grow tiresome, if we will feel bad because some are missing, and if we can enjoy Heaven without them. There will be clear, understandable answers given. "If Professor Everson gives it out that he will answer a question, he always does it."

BIG TABERNACLE, MERCER, EAST OF WESTLAKE
Sunday, 7:45 P. M.

Doors Open at 6 P. M.

WEST VIRGINIA

OMINOUS public notice in the Logan *Democrat*:

TO WHOM IT MAY CONCERN: Notice is hereby given that the undersigned, J. E. Davidson, whose post office address is Verdunville, West Virginia, and whose occupation is Clerk in the Y. M. C. A., will apply to the Circuit Court of Logan County, West Virginia, for a State license to carry weapons as prescribed by law.

J. E. DAVIDSON,

By Counsel.

Chafin & Estep, Sols.

103-2TCX

HAWAII

THE progress of free inquiry in the former haunt of the dreadful anthropophagi, as revealed by a reader of the Honolulu *Advertiser*:

The writer has twenty copies of a journal that contains two special Bible lectures, "Is Man Immortal?" and "What Is Beyond the Grave?"

These copies can be had free by addressing P. O. Box 681 for same.

Among those who need not apply for a copy are scientists, doctors, lawyers, Modernists, Fundamentalists, preachers, etc.; because the knowledge might interfere with their business, and make them less efficient in fooling their fellow mortals.

JUST TRUTH.

ONTARIO

THE spread of American culture in Ontario, as revealed by a Toronto dispatch:

Peterborough's city council tonight passed a by-law forbidding firemen to use profane language while fighting fires. Those who do so will be discharged.

The sponsor of the move argued that citizens could not enjoy being spectators if the fire fighters cursed.

A TEXAS CHAIN-GANG

BY ERNEST BOOTH

THE fluttery old lady standing in the aisle exhibited her too-prominent teeth in a hideously Puritan smile. I was about to deal another hand and continue with our whist game when she extended a tract and admonished the four of us to read it and be saved ere our souls were damned by the colored pasteboards. Over the rumble of the car wheels, my partner, a buxom matron whose acquaintance I had made on the train, raised her voice, "Oh take it, and get rid of the little busybody." I did—both.

A few moments later I was again preparing to deal when another voice and presence intruded from the aisle. He was tall and angular, and would have resembled Abe Lincoln but for his Simon Legree moustache.

"It is a high misdemeanor to play kyards in the State of Texas, suh. It is my duty to arrest you. I am a county officer, and a complaint has been lodged by Mrs. Whithers, the lady who will appear against you."

At the next stop, in company with the officer, I left my train acquaintances and proceeded to the County Bastile. The Christian lady of the tracts followed. The day was Friday and the hour not yet noon. The legal formalities having been observed, I was taken to court and arraigned before a dumpy and malevolent individual who was addressed as Your Honor. In the sweltering heat of his Star Chamber he appeared to my hostile gaze as a swollen idol about to burst.

I admitted my offense, plead my ignorance of the law, and asked for a minimum fine because I was *en route* from Los Angeles

to Hot Springs, and eager to continue my journey. The dear little soul who had lodged the charge fluttered to His Honor's dais. A whispered monologue ensued. "She's president of the Sisters of the White Crusade," someone enlightened me. "They're cleaning up gambling just now." The sister turned from the judge and flashed a triumphant look at me. His Honor mopped his bald dome, clenched his gums together, hitched up one strap of his galluses, and glared at me. Then, in the same tone as the old maid used in saying, "If I had my teeth I'd bite you!", he made his pronouncement:

"You have flagrantly violated the law of this State. Ignorance of the law is no excuse. Although warned several times, you persisted in your gaming until stopped by an officer of the law. That you are not a resident citizen aggravates rather than minimizes your offense. It is the judgement of this court that you be s-s-s—" his lack of teeth now suddenly betrayed him, and to cover his confusion he shouted, "Ninety days on the road gang, hard labor! I'll make an example of you, young fellow! Take him away, Sheriff."

Over my protests I was escorted urgently, effectively, to the cell-tier. My attempts to reach an attorney, my storming at the injustice of my predicament, my raving in the blinding madness which possessed me, resulted in my being thrown—actually thrown—into a cell. The resident bedbugs must have chortled as the door clanged shut. The floor was slimy, and there arose a stench which almost strangled me. Pounding on the iron door with my fists brought an answer: a bucket of water

sluiced through the two slits in the door. Later, I subsided from exhaustion.

I had been some twenty hours in that crypt when the door was opened.

"Come out here, dude!"

Staggering and slipping over the scum, I gained the light and stood blinking stupidly. Two men confronted me. One a duplicate of the Simon Legree of the train, but with eyes that seemed chiseled from dirty, flecked ice. The other was a vicious-looking, cross-eyed man who snarled from between thin, straight lips. His words fell as though he bit them off and spat them out.

"Here he is, Captain. Thinks he's a tough *bombre*."

The captain flicked one finger in the direction of some stairs. "Git goin'. Tougher they are, the better I like 'em."

I walked to the floor above, and was handcuffed to an enormous Negro. Another chain-gang guard stooped to shackle our legs together. He 'lowed to the captain that we wuz set. Another flick of the finger and the raucous instruction to git goin' from Legree started us toward the street door. My companion, from past acquaintance with our impedimenta, had developed a long stride. His first step upset me, and only by clinging to him did I save myself from a fall. A passing attorney, attracted by the apparition of a Hart, Schaffner, and Marx suit in such surroundings, paused beside me. Quickly I sketched my plight and implored his aid. He wrote my name, and opposite it—Camp Number 4, Chain-Gang.

Driving a topless flivver, with his henchman seated beside him, the captain cast an occasional backward glance at the Negro and me in the back seat. Heat waves rolled up from the road to spread over the fields. But the current of air produced by the car's jouncing was a relief to me after the enervating sweltering of the previous night. My hands were grimy. In the dazzling light my clothing presented a revolting appearance. The Negro wrinkled his nose—and moved as far from me as the shackles would permit.

Ten miles passed while I remained sunk in my misery. Then the big black waxed loquacious: "Suah is a mighty fine capt'n at this camp." He had raised his voice to insure its carrying to the occupants of the front seat.

"You've been there before?" I asked, listlessly.

"Suah has. Onct fo' gittin' drunk—an' this time fo' one dollah an' costs." He regarded the captain mournfully.

"One dollar and costs? What crime is that?"

"It's lak thisaway: Ah ain't got no dollah, an' costs is fo' teen dollahs mo'—an' 'at's why I'se gwine out heah." He spread a huge, calloused paw palm upward, as if the gesture offered an explanation.

Eventually, I got it straightened out. He had been arrested for being drunk a second time, fined one dollar, and ordered to pay the heavy court costs. Lacking the necessary fifteen dollars, he had been ordered to the chain-gang to work it out at the rate of fifty cents a day. "I'se a workin' man, too," he added. "An' ah takes mah money homeever' payday. But now ah don't know if mah ole woman 'll pay me out or not. . . . Wished ah did."

II

The car turned from the highway, followed a dirt road for several miles, and again turned, lifting clouds of dust from a deeply-rutted lane through some fields. Then, abruptly, it rattled from any semblance of traveled road, crossed some packed gravel and shivered to a stop near a large and dirt-streaked oblong tent.

A solitary officer was seated on a chair, tilted back against a shrub near the tent. It was a Saturday afternoon and I wondered at the absence of signs of life about the camp. To my left was another, smaller tent, half-boarded-up and noticeably cleaner. A sway-backed covered wagon, with three steps spilling from its rear exit, vomited two Negroes. As they approached our car I saw that they were clad in faded,

torn overalls. They bowed and grinned to the officers.

"Gittin' out!" snapped the captain to us. Awkwardly we descended from the machine. Tossing a key to one of the fawning blacks, who bent to unlock the leg-shackles, the captain produced commitment papers from his inside pocket and in the dialogue which followed I was introduced to humor as it is practised "in Texas, down by the Trinity river."

"What are you out here for, nigger?"

"I'se out heah fo' gittin' drunk," my companion replied.

"You're just a God-damned liar. You're out here to work,"—then, as though belched from a shotgun—"ain'tcha, nigger!?"

"Yes sah, Captain, I'se a good worker, too."

"Better you are. What's your name, nigger?"

"William Jackson, sah."

"No, it's not William Jackson!" snarled the captain. "It's Grasshopper—an' when I call you, you wanna jump!"

"Yes sah, Capt'n!"

The Negro who had released the shackles returned the key to Simon Legree. The other officer vanished into the smaller tent. Legree glanced at my commitment paper, and elected to make a speech in the drawling accents of the ignorant Southerner:

"Now, you're out here to serve your time. I didn't send for you—but git this straight: I'm the Captain—an' you take orders from me. You want to get everything out of your head but one thing, an' that's WORK! If you got any notion you ain't, I'll change it for you—quick. There's only one way you can get along with me, an' that's to work—hard! An' we don't have no trouble with you bullies out here. There ain't no trouble out here—except what I make—savvy?"

I nodded.

"Git goin' to that tent,"—indicating the long, dirty one with the officer near one end—"an' remember I'm boss here."

The guard at the entrance arose slowly

from his position and took a step backward. A long, ugly revolver was suspended from his belt. He, too, seemed cast in the same mold as the captain. The Negro beside me lifted the tent-flap. I started to go in with him, when I was assailed by a frightful, sickening odor. Blinking my eyes I jerked back and heard the ominous click of a revolver being cocked. "Git in there an' take them clo's off!" came raucously from the guard.

The reason for the deserted appearance of the camp was made evident as I again breasted the tent entrance, and began to discern what was within. A long logging-chain extended from a sturdy mesquite bush outside the tent and came through the wall. Branching from it inside, like legs on a centipede, were other, smaller chains, and to the ends of them were welded huge leg-irons.

These leg-irons, I observed quickly, were locked about the ankles of forty men. Each man was lying on his side, facing me. Their faces held the look of expectancy common to dogs long-confined. Their hair and beards ran riot. Their clothing was ragged and filthy. While I stood swaying in the opening, I was shoved violently forward, and fell almost over the feet of the nearest man: a bearded Negro who had shriveled until every joint of his body seemed swollen.

My handcuffs removed, I disrobed to my underwear, and was thrown a blue shirt without buttons or collar, and with one sleeve torn to shreds, and an enormous pair of torn and patched overalls. Putting the overalls on, I almost slid through one leg of them. Then came two shoes. One was size twelve, heavily hobnailed and terribly scarred from hard usage; the other was half as large, but with the forward half cut away above the sole, enabling me to wear it like a sandal. I was permitted to retain my hat—a lightweight panama. Holding the overalls bunched-up, that I would not trip on their long ends, I shambled over legs and chains to a designated place between what at first appeared to be

a filthy St. Bernard dog and a black cockerspaniel, but which, on closer inspection, proved to be two men. The guard followed me, and instructed me to lie down upon my back and hold up one foot. I complied, and he clamped a leg-iron about my ankle. Then he returned to his post outside.

III

The jail I had left paled into insignificance beside this. Sweltering in that tent were men who had not shaved or bathed decently for months. An open half-barrel, forming a leaky latrine, dominated the center of the floor. Sweat poured from the wretched bodies of the men, and putrid morsels of food added to the stench. Under my head was a small roll of blankets. For a moment I was on the verge of a faint; then two vicious bites on my hot, moist neck stung me to action and I slapped at my attackers. I scored fifty out of a possible hundred: my hand came away with a dull red smear on one finger. As I turned to look for more vermin, my chain rattled.

"All right," came a drawl from outside the tent, "if you don't quit that movin' around I'll come in there and give you somethin' to move 'round about!"

"Better take it easy," cautioned a voice from the Bernard on my left.

Looking closely into the tangled shock of hair which almost covered his face, I discerned a pair of blue eyes. The cords in his neck, where it joined his torso, were taut as he held his face close enough to whisper: "He'll shoot you in a minute ef you make any noise."

I remained outwardly silent, but writhed in an inward turmoil. For several minutes I fought a losing fight against the vermin. . . . I had not eaten since the previous morning. The rough and filthy boards of the floor became more irksome with each passing moment. Perhaps a quarter of an hour passed. Then I sought relief in a subdued conversation with the Bernard.

"How long have you been here?" I asked him.

"Five months—six months—I've lost track." He was peering over my shoulder, watching the tent-flap for the first sign of the guard. In response to other questions I learned that he had been sentenced for stealing a pair of shoes from a store, and had been given the limit of eleven months and twenty-nine days. He had tried to escape shortly after arriving, and exhibited a withered arm as a tribute to the guard's marksmanship and his own failure to "make the brush."

Still watching the flap, he commented on the other men. A Negro opposite me on the chain had been out to the gang three times. I looked at him and saw a short, gorilla-like body surmounted by a head which seemed to be composed of fuzz and two enormous white eyeballs. His mouth was opened and the teeth were yellowed and broken. He had bare feet, with torn and claw-like nails marking the toe-ends. He was whispering to a young white boy beside him. The white boy exhibited a mane of curly hair which had been long neglected, and his chin was marked by a sparse, virgin beard. His face was darkly tanned. The bronze color extended in a large V down his chest. He was naked to his waist and in contrast to the burly black he appeared like a consumptive. The Bernard informed me that the lad had taken an automobile for a joyride and was doing ninety days.

Soon I noticed that a subdued air of expectancy hung over the various men—particularly the blacks. Then the flap was thrown open. The two Negroes I had first seen materialised, and my informant ceased talking. The first Negro had a box suspended before him by means of a strap over one shoulder. From this he took a tin pie-plate and a spoon, and handed them to the first man in the line. He then proceeded down the length of the tent, repeating the process. The other Negro followed, carrying a bucket. He ladled out to each man about half a pint of cold canned tomatoes. The first Negro reappeared with another box, and distributed a piece of stale corn-

pone and two heavy, hard, horribly uneatable biscuits to each man.

The plate given to me had a streak of dirty black scum about its upper edge. The spoon was indented with teeth-marks, and its handle was broken off, leaving about an inch with which to maneuver it. There was no salt offered, and the tomatoes were flecked with rust from the bottom of the pan.

I might have imagined that I was hungry, the moment before—but the desire to eat had now left me. Narrowly I averted an enforced trip to the open latrine. The Bernard lapped up his ration with an avidity almost ghoulish. Greedily he snatched my proffered plate. The other men sopped up with the biscuits the last remaining drops of juice in their pans. Some even tilted the tins and licked the bottoms in their ravenous attempts to fill their stomachs. Feverish eyes followed the smallest of fallen crumbs; eager fingers pursued and captured the particles of bread. My Bernard combed his fingers through his beard and inspected the nails in his search for a last morsel of food.

The Negroes reappeared and collected the pans and spoons, counting them into the same box whence they could be again distributed, and, from all indications, without being washed. Lassitude was reflected in the relaxed attitudes of the men. I reclined on one elbow and offered a prayer that my last-minute effort at the jail to get a lawyer would soon show results. I tried to visualise a night spent in the tent—and shuddered.

"Do you stay here all day?" I asked the Bernard.

"Haw, this is a treat. Usually we work till 'bout four o'clock on Saturday. But the captain was in town, so we rested since noon. Ain't seen that gravel pit yet, have you?" He leered at my negative nod, then continued, "It's right over back of the corral. An' no preacher can ever scare me about Hell no more—I've lived in a sure-nuff Hell down there. No shade, no water to drink,—nothin'—'cept loading gravel-

wagons and diggin' gravel. An' them guards set in the shade of a bush up 'bout the rim of the hole and throw rocks at you when you don't work fast enough to suit 'em. But you're lucky you got here today—we don't work 'til Monday now—'cept for cleanin' up a bit this afternoon."

"Pipe down!" rolled stentoriously from the opened flap. The guard strode to the first man, flicked a finger as though calling a dog, and the prostrate man raised his manacled leg. The guard fitted a key to the lock, and after releasing him, dropped the leg to the floor. The next man raised his leg and called a number. The guard selected a key and repeated the operation. Upon reaching me, he paused as I remained motionless. "Gittin' it up!" he commanded. I raised my leg. "What the hell's the matter with you!? When I say 'Gittin' it up'—you raise it an' call your number!"

"Number?" I was bewildered. Then a flash of anger swept over me and I considered the notion of wresting his gun from him. Seeming to anticipate some such action, he placed his heavy boot on my stomach. With considerable heat he repeated my question, "Number? Yes, number! What'd I tell you yore number was when you come in?"

"You didn't tell me anything about a number," I asserted.

"Like hell I didn't!" His pressure upon my midriff increased. "Think you're tough, eh? Well, bully, I'll take some o' that outa you!" He threw most of his weight on the foot pressing me down. I twisted suddenly and almost upset him. With catlike agility he recovered his balance and whipped his gun from the holster. Before I could turn back or attempt to rise he had swung the butt of the gun effectively upon my jaw. Stepping back a pace he called to another guard "Jes' watch this!"

"This" consisted of implanting his shoe several times in the small of my back. Then, resuming his pose with one foot upon my stomach, he repeated his original question. "What's you-all sayin' yore number is?" Bearing down with his weight he re-

peated, monotonously, "Yore number is—yore number is—yore number is—eighteen! Ain't it? Eighteen's what I said. Now—what's yore number?"

"Eighteen!" I gasped.

"Why in hell didn't you say so? Now what's yore number when I ask?"

"Eighteen," I responded.

"An' don't fergit the 'Capt'n' what goes with it. Stick yore hoof up here, Eighteen, an' I'll turn you a loose." He unlocked my leg and flicked his finger toward the tent entrance. "Git goin'!"

The Bernard joined me a minute later. "We'll pick up all the chips and trash and sorta clean up, now. Best if we start near the captain's tent, an' do a good job—'cause he likes it thataway."

IV

Other men emerged from the tent under the watchful eyes of the guards—five in number—and were set to work raking the ground, removing wheels from gravel-wagons to grease the axles, or currying the horses in the small corral. I was experiencing considerable difficulty in holding up my overalls, as long usage had worn away the original shoulder-straps, and the single strand of frayed rope replacing them was inadequate. Stopping to make them secure with a bit of wire the Bernard handed me, I was commanded by one of the guards to drop it, and told that if I again tried to smuggle wire into the tent he'd blow the top of my head off. I wasn't going to be picking any locks while he had anything to say about it.

The sun caused little heat spirals to whirl from the dust about me, to dance maddeningly before my eyes. My throat was parched. Twice I stumbled, and the reflection from a piece of tin patching—one side of the cook wagon—dazzled me almost to the point of insanity. A forge heat rose around me like a blast from a furnace. I toyed with the idea of refusing to work, and while debating between lying in the tent and weaving about in the sun,

I broached my notion to the Bernard.

"Refuse to work!" He was astounded. "Why, you can't. There ain't no such thing as refusing to work. They'll beat you to death!"

I scorned his evident terror. Having never been beaten to death, I did not believe that I would be now. But just as I reached a point beyond which I could force myself no further, and was prepared to make my declaration of independence, the work ceased and I was herded with the others into the tent.

After the hour in the open air, the close interior was doubly foul and repulsive. Lying in my accustomed place I turned my face so it was nestled in the crook of my arm, and regretted that I had lost the opportunity of being beaten to death—or at least to unconsciousness, for that, at least, would have made me oblivious of the hideous, gagging stench that stifled me.

A muttered "Git it!" roused me, and raising my head I saw the two Negroes who acted as chef and waiter carry a wash-tub half-filled with water, and set it beside the latrine. The Bernard shook me and whispered. "Peel off yore clothes, an' git ready. We're in the next bunch."

"For what?" I queried, indifferent to what torture was about to be inflicted upon the next bunch.

"To take a bath."

Stark-naked, six men were clustered about the tub, blacks and whites. Each one stuck one foot into the water, and splashed what he could of it up his legs. Cupping his hands I saw the Negro who had come with me scoop some water from the tub and spread it over his face and neck. Another attempted to follow suit but the guard called from the shade of the bush outside the tent, "All right—gittin' back!"

The men melted away from about the tub and fought for space with which to dry themselves on a huge towel composed of flour-sacks sewed together in a crazy-patch-work fashion. Rising with the second group, I halted near the edge of the

tub and was instantly hedged away from getting one foot within the charmed circle. I did not regret it. I saw a piece of yellow lye soap passed from hand to hand. Some of the more energetic worked up a lather on their legs.

To wash was a herculean feat. One foot was put into the tub, water was splashed to the thighs, and the first foot was withdrawn and the other quickly substituted. Soap was smeared wherever water had moistened the skin. If a candidate for a bath shifted awkwardly when he removed the first foot, he lost his position and was crowded out. About two minutes was allotted by the guard for each group to complete its ablutions. By the time the second bunch had backed from the tub in obedience to the guard's order, the water was filthy and floated a dirty, yellow, abominable froth.

The Bernard returned to his place beside me and removed the lather upon his limbs with the remnants of his underwear. The last six men had to content themselves with wetting their feet and hands. Their toweling was a futile gesture. The patchwork of flour-sacks had been twisted until it began to resemble a thick, loosely-woven rope.

"Git set!" called the guard, and immediately started his round of locking the men into the leg-shackles. Opposite me he paused. I held my leg up and called, "Number eighteen." He paid me no heed. Tired from the strain of my unnatural position I allowed the leg to fall. Instantly he snarled, "Gittin' it up!" I did so. Again he appeared oblivious of it. Lowering my leg after a minute had elapsed was the signal for another snarl, "Gittin' it up!" Once more I raised it and called out my number. "Sure it's eighteen?" he snapped. I nodded and he fumbled with his keys, as though in futile search of the proper one. My back ached, my eyes burned, the down-rush of blood seemed about to split my head asunder, and in a reckless mood gendered by my physical misery I allowed the leg to fall and closed my eyes.

V

The Bernard was shaking my shoulder. I forced my eyelids open a fraction of an inch. The gloomy quarter light betokened evening. A Negro was distributing pans and cups. Indifferent as to whether or not I received a share, I dozed off once more. I was startled from my coma when the pan and cup rattled to the floor close to my face. Pushing them from me, the Bernard shook me. "Git yore food. Don't miss nuthin'."

The second Negro poured another half-pint of cold tomatoes into the pan, and a moment later my cup was filled with some brackish liquid. Parched from thirst and my long fast, I attempted to swallow a mouthful. My throat was grateful for the moisture. In small sips I managed to down half the coffee, tea, burnt bread, or whatever the brew was.

Silence reigned after the pans were collected. The two score men lay or squatted upon the floor, and in the darkness which seemed to creep up from the filthy boards, I sensed a gathering of thoughts. No one spoke in words, but the exchanged looks shouted volumes. The white lad and the big Negro, lying side by side, seemed to carry on a conversation with their eyes. The eyes of other men seemed the only indication that they were alive. At long intervals a chain would clink faintly, and the strident voice of the guard would pierce the tent-flap with a malicious warning, "Cut down that noise!"

Peering along the row of forms, I saw eyes catch and reflect the small beam of light that struck down from a bull's-eye lantern suspended near the exit. Like the orbs of jungle beasts, those eyes showed through their matted coverings of long hair.

"Git 'em down," said the guard. Chains clanked, forms stirred, the rolls of blankets which served as pillows were unrolled to form pallets. Taking my cue from the Bernard, I turned on my side and arranged my ragged blanket and piece of sacking so

that I might recline. Immediately I was enswathed with the revolting odor of sweat. The sack was sewed over the blanket to form a sort of pocket. Taking off my shoes and overalls, I crawled into this from the bottom. For a moment I held the idea of losing myself in sleep, but instantly hundreds of bedbugs and other vermin attacked me. So I crawled from the shroud and passed the next half hour in useless endeavors to rid myself of them. That bed was one device by which the Lord neglected to try Job's soul!

"Sing a bit, Capt'n?" a plaintive Negro voice inquired.

Silence from the throne. I could hear the breathing of the man awaiting the answer. Over the whining of numberless mosquitoes I heard several dampen their lips with their tongues. Perhaps ten minutes passed. Then, in a drawl that was heavy with condescension and venom, "All right—sing, you black bastards."

I conceded victory to the bedbugs, and lapsed flat upon my back, moving only when the iron about my ankle bit too insistently into the flesh.

In mournful, dirge-like tone came the first Negro's plaint. "There is trouble . . . There is trouble . . . O Lawd, there is trouble on the deep blue sea." Other voices joined. The Negroes sat and swayed in rhythm to the long-drawn-out "Trouble . . . trouble . . . trouble . . . There ain't nuffin' but trouble fo' me-e-e!" Over and over they repeated the verses. "Trouble" was lengthened until it filled a full minute in the singing. A full, warm baritone boomed out. It was surprising in its rich quality:

Yondah comes ole Bud Russell
With his transfer-chain . . .
He's gwine to take us
Back to the pen again . . .

Then into the chorus "Let the Midnight Special shine down its ever-lovin' light on me!"

"That Bud Russell," said the Bernard to me, "is the man that's been takin' men to jail for twenty years. Never uses no gun.

Just chains 'em on a long chain. Gathers 'em from all the counties and delivers 'em at the pen—thirty—fifty—sixty at a time. Ain't never lost a man, neither. Them niggers sure sing 'em 'bout that man. They just shiver an' shake when they even hears he's comin'."

The singing was cut on a refrain as though a knife had severed the throats of the singers. From the guard had come a rancorous growl. It contained no word that I could decipher, but its effect was instantaneous. After that the least sound from the guard—a shifting of his position upon his chair, the clearing of his throat, the scraping of a match to light his pipe—brought the men to attitudes of tensed expectancy. Their actions were like those of a condemned man who awaits the first audible indication that those who are about to accompany him on his last fatal walk are approaching. I lay in a half-waking, half-drowsy state. I could neither sleep nor remain awake. Between slapping or scratching or turning on the hard bed I passed another hour. Then from the far end of the tomb came a hesitant request "Gittin' up, please, Captain?"

VI

An unconscionable long time passed. I imagined the guard had dozed off to sleep and had not heard the question. The man rose, and in the dim light I saw him stand erect. The movement caused his chains to shatter the stillness. The flap was jerked open and in stepped the guard with his revolver ready for use. The man dropped whimperingly to the floor. "You black — — —!" snarled the guard. He strode to the shivering figure, administered several vicious kicks, and heaped hideous imprecations upon the unfortunate.

The tent was again quiet. The same voice made the same request. The guard ignored it. Renewing his supplication, the man whined, "Please, Capt'n, gittin' up to the barr'l, sir?"

The demands of nature, so evident in the

man's plea, became insistent; in desperation he turned upon his side, when the guard drawled, "Git it."

Several times as I drifted in my semidelirium the same scene was enacted.

A discordant and nerve-racking din brought me to consciousness early on Sunday morning. Someone was beating upon a steel triangle uncomfortably near my head—just outside the tent. The voice of the captain (all the guards seemed to be of that rank, something like a Mexican army with nothing lower than a general) informed us of the hour and purpose of the noise:

Raise 'em high, bullies,
An' leap on the rock!
It ain't quite daylight,
But it's fo' o'clock!

Blankets were rolled up. The pans were passed. Syrup distributed. There was a large fire blazing between our tent and the cook-wagon. Its red light filtered through the canvas and gave us the aspects of lost souls in an antechamber of Hades. Grotesque figures were shadowed on the tent-walls and sloping roof. Moans and groans and sighs of hopelessness interspersed the desultory conversations within. Calls and servile laughter reached me from the officers and the two Negro trustees about the fire.

"Yas suh, Capt'n," was uttered with a monotonous regularity. We were permitted to rest our heads on the blanket rolls, or drift into sleep. But after daylight any man who seemed to be sleeping too soundly was aroused and tormented by the guards. Their only pastime lay in plaguing the prisoners.

Noon came and passed with no offering of food. No opportunity was offered for washing. At four o'clock more syrup and some half-cooked rice were thrown into the pans. Then night, and a repetition of the preceding evening. The Negroes sang; men clanked their chains to the latrine. I had been in the tent thirty hours and not once had the barrel been removed.

Made desperate by the thought of an-

other night's confinement, I tried to have one of the captains telephone to Dallas, and engage a lawyer for me. Refused that, I asked permission to buy some tobacco. Approximately three hundred dollars had been taken from me at the time of my arrest, and put in care of the officers who had brought me to the camp. After considerable bickering I was informed that "fo' ten dollahs I might git yo' some." I signed an order on a page torn from the guard's notebook, and two hours later I was handed about two ounces of some stringy tobacco labeled "Nigger Hair." In texture and smoking quality it had been appropriately named. Ravenously beseeching me to give them some of it, the men created such a commotion that the guard threatened to shoot blindly into the tent. In silence I distributed the Nigger Hair, and resigned myself to what the morning would bring.

When the guard approached me after breakfast, I informed him that I was ill and in need of a doctor's services—immediately. I reasoned that if I could gain the ear of one of the medical profession I could establish contact with the outside world. The injustice of my sentence rankled. I counseled the idea of aggravating the guard into shooting me in the leg. If I were not too seriously wounded I would not regret the pain. Anything was better than a continuance of the horrors of the tent.

With the thought of the work in the gravel-pit goading me, I refused the Bernard's advice and claimed sickness. The guard threatened me, then, "'Low the capt'n'll tend to you-all when he comes." The others left the tent, and amid a confusion of orders and dull thuds which sounded suspiciously like pick handles struck on shoulders, they marched away.

My ankle was raw where the iron had rubbed away the skin. The gathering flies prevented me from sleeping. The day was warm with that close, oppressive heat which bespeaks a Texas sun. Wagons crunched from the pit and rumbled down the road.

About eleven o'clock two Negroes entered, carrying Grasshopper. He was sun-struck, and they dumped him on to the floor with callous indifference. The captain who had brought us both to camp entered a moment later. He had been absent from the camp until that minute, and upon seeing his two most recent charges within the tent he paused; in all my years of jail experience I have never seen so malevolent an expression as that upon the face of this guard. Bending only long enough to secure the shackle about Grasshopper's leg, he straightened up and surveyed me. "Sick?" He spat out the word. "I'll learn you how to be real sick!"

Grasshopper stirred, and Legree turned to him. The Negro's eyes blinked and he made an effort to raise himself, then relaxed on his side. Legree shouted to one of the trusties, who bore in answer a pick-handle. The captain accepted it and the trusty vanished.

"Play sick on me, will you! I'll show you what being sick is!" Again Grasshopper strove to rise. He seemed to recognize the captain and sought to forestall the impending beating by struggling to his knees. He weaved from side to side, his eyes wide in terror. His lips moved but no words came; his head jerked about as though he essayed to swallow some obstacle lodged in his throat. A creature immolated and about to be made a victim.

The captain, his face distorted by rage, wielded the pick-handle like a bludgeon. As the Negro groveled and moaned for mercy, Legree's frenzy mounted. It attained its zenith when a particularly vicious blow crashed against the black's skull, and blood gushed from his nostrils and mouth. Swinging the club idly, Legree regarded

the form of the inert Negro, then spat tobacco juice upon him. Still retaining the crimson weapon, the captain strode to where I lay. "Still too sick to work, bully?"

I sensed that he had appeased for the moment his murderous lust.

"Yes—I want to see a doctor."

He regarded me silently, as though considering some inward problem. He glanced at the battered Negro, then drawled, "Well, all right. County doctor will be here 'bout noon. That nigger is sun-struck—savvy? He fell down and a gravel-wagon run over him 'fore we could carry him to this tent. Git that straight—he's sun-struck!" He took a few steps toward the tent-flap, then wheeled about. "Bully, you *bettab* be sick when that doctor tells me 'bout you!"

VII

I was sick when the doctor examined me. The whiffs of gas I got during the unpleasantness in France have puzzled better doctors than the veterinary who informed the captain that I was on the verge of collapse.

It was necessary to take the yet unconscious Negro to a hospital. Chained to him, I reached the county jail. There I at last got a lawyer, and he appealed from the sentence imposed upon me. The Superior Court set an appeal bond of five hundred dollars. Some friend of the attorney's posted the bond—in consideration of two hundred of my dollars.

Two months later, in the calm and sedate city of Chicago, I learned through the medium of a letter from the attorney that the sentence had been set aside and a fine of twenty-five dollars imposed. . . . All this in the Year of Our Lord 1924!

THE ARTS AND SCIENCES

Biology

HEAT OR HEREDITY?

By EMMETT REID DUNN

MORE and more the processes of living matter are shown to be of the same order and subject to the same laws as those of so-called dead matter. Protozoa and tadpoles react to light, and the brighter the light the faster the reaction. The mathematical formulæ involved in these reactions are the same as those which apply to photographic plates. The hearts of cold-blooded animals and of the embryos of warm-blooded ones beat fast in a warm temperature and slowly in a cold, and the change in tempo may be expressed by an equation which was long ago worked out for ordinary chemical changes. Fruit flies, as Pearl has shown, can go through the whole process of living, reproducing and dying under a fairly wide range of temperature, but the business takes considerably fewer days in a heated place than it does in a cool one. Life for the flies is the same. All the natural events take place, and in the usual order, but heat speeds the tempo and cold retards it. The series may be immutable, but the time involved may be formulated, changed at will, and predicted. A short life and a merry one or a lengthening of gray days, twenty years of Europe or a cycle of Cathay—either may be given or taken away from these lowly creatures by the furnace man.

Even stranger than this are the effects of heat and cold on the higher forms. In these the series of events are not only hastened in their appearance by heat and delayed by cold, but the order in which they appear may be altered. There is no great or obvious difference between a fast-living fly and one which travels more

slowly along its inevitable road to death, but Hubbs has shown that those fishes which lead a fast existence in tropical seas differ in many ways beside their length of life from those which lead a slower existence in the cold waters of the North. For in these forms all the parts of the body do not respond in equal ratios to the stimuli of heat and cold. The shortening of the life process advances the appearance of one organ much more than that of another, with results which are striking and significant.

In the development of an animal from the egg to the adult form there are involved two things: growth (increase in size) and differentiation (increase in complexity). These two processes usually alternate, a period of growth without differentiation being followed by a period of differentiation without growth (sometimes even a decrease in size takes place). The rate of these processes, as I have mentioned, is under control of the environment. Given your animal developing at a given rate, and if you raise the temperature he develops faster. This is easy to do with cold-blooded creatures, whose temperature is that of their surroundings, but hard or impossible with warm-blooded ones, whose temperature remains constant within a sort of thermos bottle whose insulating surface is composed of their hair, hide, and feathers, and whose more active and efficient mechanisms produce heat of their own. But there is reason to believe that even these warmed-blooded animals are not wholly enfranchised from chemical law, for the heart-rate of embryo chicks responds to temperature changes exactly like that of a young salamander. A difficulty arises in all forms because the animal

mechanism changes during differentiation, and the various rates change with it. A developing animal becomes a new mechanism, a new chemical combination, with each event in differentiation.

But both growth and differentiation are under the same general laws. Conditions which alter the rate of one alter the rate of the other. Hubbs' work on fishes brings to light a somewhat paradoxical situation. He finds, as everyone already knew, that development is in general faster and shorter in tropical seas than in northern waters. But he also finds that, in most ways, northern fishes are more developed than southern ones in spite of the slower rate. Slowly developing, cold-water fish have more vertebrae, smaller heads, smaller eyes, and more modifications and ornamentations in the nature of cirri, plates, spines, etc., than the more rapidly developing warm-water fish. Thus any comparison of the two groups by an evolutionist would lead to the supposition that the southern types were more primitive, less specialized, than the northern. But laboratory experiment has shown that one can be converted into the other and vice versa by changes of temperature during development. Why does the slower northern fish get further along than the quicker southern? Why does the tortoise beat the hare?

The answer is that the accelerating condition, whatever it may be (heat is not the unique cause), brings on inhibiting factors which cause differentiation to slacken and stop. The accelerator not only speeds up the course of development, but it also puts on the brakes sooner. These brakes are to be found among the hormones which constitute a peculiar factor in the make-up of many animals. The vertebrate mechanism consists of many complicated and interacting parts, each composed of thousands of living and more or less independent cells, the liason between which is maintained by two lines of communication. One of these systems of communication is sufficiently obvious to have attracted attention from the earliest times,

although the details of its working are yet obscure. I allude to the nervous system, with its various receptors by which the creature is informed of both external and internal conditions, and its long nerves by which this information is passed either to a central registry and depository of knowledge, the brain, or to the glandular factories and muscular shock troops which are appropriately known as effectors, or to both. The other set has been only recently discovered, yet, strangely enough, it seems to be intrinsically of a simpler nature.

This second set is made up of a number of glands, known variously as ductless or endocrine glands or glands of internal secretion, which means that their contents are emptied into the blood stream rather than into the mouth, stomach, intestines, or eyes, or on to the surface of the skin. They are in a sense effectors because they often act on information from the nerves, but the chemicals secreted by them have a much greater general effect than that of the other effectors, for they influence the whole or most of the countless parts of the individual man or beast. That influence, benign or malignant, has to do with our growth, our personalities, the rate at which our life processes are carried on, and our emotions.

These glands have received much publicity of late, but their importance has not been exaggerated. Our knowledge of them and our ability to control them have, however, been much overemphasized in the press. Some of them are known to function steadily throughout life; others are in operation only during youth; while still others begin to function only in maturity. The thymus is especially the gland of youth; the gonads or sex glands belong to maturity. The thyroid has to do with metabolism, or the life processes in general, but is especially important in connection with growth. To a large extent the chemical secretion or hormone of one gland is normally checked or balanced in its effects by the secretion of the others.

Thus a deficiency in the secretion of one gland may have a result much the same as an oversecretion by another.

Experimental work on animals has shown the tremendous influence of these glands on growth. The processes can be speeded up or stopped completely by various injections, feedings, or extirpations. Most remarkable is the fact that the transformation from tadpole to frog, a metamorphosis involving little growth but great differentiation in a short time, is utterly dependent upon an efficient thyroid gland. Tadpoles deprived of this gland will never become frogs unless they are fed chopped bits of gland. And normal tadpoles fed thyroid will transform long before they would do so if not given this unusual diet. Similarly, the sex glands secrete substances which are responsible for the appearance of all the obvious external sexual characters (usually called secondary). If testis and ovary are exchanged, an entire sex reversal takes place.

The action of the hormones affords an explanation of the curious paradox in development described above. Either one gland ceases to function, or another begins. Under acceleration, early development is speeded up, but later development is retarded or stopped because inhibitors of development have been even more accelerated. This fact plays havoc with many of our conceptions of the course of evolution, for it shows that an anatomically "primitive" beast may be only a case of arrested development. There is here no natural selection, no inheritance of acquired characters. Hundreds of generations of mutants may have gone toward producing a creature of infinite complexity, yet if a warm current accelerates his development the outward and visible signs of that complexity may never appear, and a simple "primitive" animal will reproduce and die and no one ever know what mute, inglorious genes have lain concealed beneath his unprepossessing exterior. The idea here is not exactly a new one, yet the scientific elucidation of it is sufficiently novel.

Obviously there is a way out. The endocrines themselves and the relative times of their appearance in development are not emancipated from the tendency to variation and mutation. And this, of course, has normally taken place. So the great majority of anatomically primitive types are primitive in all senses of the word and not throwbacks or atavisms.

Application of the foregoing to Man is entirely hypothetical, but a few suggestions may be made. Much exaggeration concerning glandular types of man has been published, yet there is perhaps some truth underlying it. Keith has put forward the suggestion that the chief races may be correlated with different glandular activity. Thus the common symptom of adrenal deficiency is an increase of pigmentation in the skin, and this may mean that the Negro is a low adrenal type. Excitability is the mark of superabundant thyroid secretion, and so perhaps the Mongol who "smiles when the white man riles" may be lacking in thyroid. There is more soundness in applying glandular criteria to Bean's anatomical types of Man: the Hypermorph, a slim type in which all the features are long and narrow; the Mesomorph, a stocky build with large, broad features; and the Hypomorph, a dwarf with all characters short and broad. These types are not all found in all races. Whites are mainly Hypermorph or Mesomorph; Mongols may be all three; Negroes are either Mesomorph or Hypomorph. The Hypermorph type is best developed near the sea, and thus not only corresponds anatomically to the medical high thyroid type, but is found in regions where there is most iodine, the basic constituent of the thyroid hormone. The Hypomorph type is occasionally found in the white race as a pathological freak, the Mongolian idiot, and the picture which this idiot presents is sometimes considered as connected with thyroid deficiency. Here we glimpse the possibility that the anatomical and psychological traits of a race may not be hereditary at all, but solely due to the

increased or decreased activity of certain glands, depending on whether the environment contains sufficient quantities of a single primary element. This is exaggerated, but may contain a germ of truth.

So far as the rate of development is concerned, it is well known that the more tropical races mature earlier than do the more northern. Vague hints have from time to time been cast out which lead one to suppose that some have thought the southern races to be less developed, less intelligent, more primitive, more infantile. If any of these notions are correct, it may be that the more rapid development has accelerated the inhibiting factor, as in fish. Certainly the greater sexual dimorphism (in beard, skeleton, and other characters) of the Caucasian seems correlated with his slower growth. The infantile Hypomorph type (dwarf) is found normally only in the tropics. The influence of climate on man is an old subject, but it is just possible that it works in a more

subtle, more all-pervading way than has ever been supposed, and not necessarily solely through natural selection or through providing a favorable environment.

To come nearer home and to consider one race, it seems likely that the age of puberty is the time when the inhibitory factors begin to work. We have all been amazed and some of us have been scandalized at the results of the Army Intelligence Tests. Yet it is quite apparent that they show the average mental age of the American male to be the same as his age of puberty. Arguments enough, most of them somewhat acrid, have been based on the possible mental inferiority of women. If real, this inferiority means simply a lower mental age—and women arrive at puberty two years earlier than men. These are merely suggestions, but it would seem relatively easy to compare the results of mental tests on adults with the ages of puberty of the same group. The results might be very interesting.

Linguistics

THE YUGOSLAV SPEECH IN AMERICA

BY LOUIS ADAMIC

OF ALL the Bohunks—which includes the Poles, Slovaks, Czechs, and other Eastern and Southeastern Europeans whose lot it is, along with that of the Italians, Mexicans and Negroes, to perform most of the dirty work of the United States—the Yugo- or South-Slavs are perhaps the largest ingredient in the Melting Pot. They are to be found in high numbers—running to a total of nearly two millions, though a good half of them are still carried in official American statistics as Austrians—in the great mining regions of Pennsylvania, Ohio, Illinois, West Virginia, Colorado, New Mexico, and Arizona, on farming lands in the Middle West and the West, in New York City, Chicago, Cleveland, Pittsburgh, Cincinnati, and other industrial centers, in the woods of Maine and the Northwest, on fishing smacks along the

coast of Southern California, and on countless construction jobs all over the country.

Yugoslavia, as we find it since the Hapsburg Empire went the way of all things, is made up of three distinct though very closely akin nationalities—the Serbs (which includes, besides the Serbs of Serbia proper, the Montenegrins, the Macedonians, and the Mohammedan Slavs of Bosnia and Herzegovina), the Croats and the Slovenes. The Serbs and Croats, comprising the greater part of the new country, speak the same language, the Serbo-Croat, but the former use the Cyrillic and the latter, like the Slovenes, the Latin alphabet. The difference between this Serbo-Croat tongue and the Slovenian speech is perhaps no greater than between the German of Vienna and that of Hamburg. Thus linguistically the Yugoslavs are practically one people; their respective claims to being separate nationalities are laid, in the main, upon historical or traditional and religious bases

which it would be irrelevant to discuss here.

In the old country, I am informed, there is still considerable ugly feeling between Croats and Serbs as well as between Serbs and Slovenes, stirred up, for the most part, by the rivalries among the political demagogues and professional patriots, and by the holy clerks of the Catholic and Greek Orthodox Churches. This feeling prevents the three peoples from mingling freely and intimately with one another, and thus gradually merging into one nation. But in the United States there is among them little sign of this separateness. Serbs, Croats and Slovenes, while still hanging on to their respective labels, join together in the same singing societies, debating and reading clubs, and benevolent lodges, and if a mixed group of them are gathered in the proximity of a few gallons of bootleg wine, they are apt to wax sentimentally eloquent, and even poetic, over the things that their three-in-one nationality means to them. In a word, for the purposes of the present article, the Serbs, Croats and Slovenes are one people.

Considering that this Yugoslav population in America is relatively meagre and, besides, is spread out all over the country, it is small wonder that its vulgate, within the last thirty years, should have undergone considerable changes. The Yugoslav immigrant, as a rule, learns the American language as well as his new environment permits him—in some cases very well indeed—but at the same time he keeps up with his native Slovene or Serbo-Croat, insisting, for purely sentimental and selfish reasons, that his children learn it, and resenting, on occasion, any attempt to corrupt it. Simultaneously, however, he goes on building and using, perhaps unknowingly, a third language, fashioned from the materials of the first according to the genius of the second.

Thus, referring to the greatest country in the world, the American Yugoslav is not likely to say *Združene* or *Zjedinjene države*, which are literal Slovene and Serbo-

Croat translations of United States, but rather *Unajne stec*, or *Jus* (U. S.) for short. And the holiday commemorating the birth of the nation becomes *Džulajev* (July Day), after the manner of naming certain holidays in the old country. A house to him is *hauz* or *gauz*; a kitchen, *kišna*; a bucket, *boket*; a stove, *stov*; a plate, *plet*; a pitcher and picture, *pičer*; a shovel, *šaf*; a spoon, *špuna*; a fork, *forka* or *forkla*; a basket, *bosket*; a bowl, *bol*; a garden gate, *garten gec*; upstairs and downstairs, *abstex* and *daštex*; a bed, *bet*; a needle, *nisl*; and a car, *kara*. Shoes are *šubi*; house slippers, *hauz* or *gauz šlipari*; bloomers, *brumari*; rubber-boots, *robarhuze*; overalls, *obergor*; a sweater, *švidar*, and a blouse, *bluza*.

In the morning he *brekfesta* (breakfasts), picks up his *lont-boket* (lunch-bucket), goes to the *majna* (mine), finds his *partnar* (partner), and then spends the rest of the day *vrkati* (working). In the mine there are all sorts of *basi* (bosses) who *basirajo* (boss) him. Every so often there is *peda* (payday) and he gets just enough *moni* to pay his *bord* (board), get a *šat* of *viska* (shot of whiskey) at the nearest *špizi* (speak-easy), maybe go to a *tenc* (dance), and possibly put a few *toleri* (dollars) aside for a *reni tej* (rainy day) or the forthcoming *štrajk* (strike). In this *kontri* (country) a man must *roslat* (rustle) to make both ends meet.

Should one accompany an American-Yugoslav housewife who, beside taking care of her *hosban* (husband) and having a new *bebi* (baby) once a year, keeps a half-a-dozen *bordarjev* (boarders), on her daily trip to the *market* or *stor* (store), one will see her purchase *potetus*, *rediš*, *onjenc*, *keruc*, *epuls*, *pičus*, *kebič*, *kreps*, *vodamalone*, and *seleri* (potatoes, radishes, onions, carrots, apples, peaches, cabbage, grapes, water-melons, and celery). On the way to the butcher's she will probably remark that things are terribly *spensif* (expensive); that one had better watch these *štokiparje*, for they were *kruckani* (crooked) as a snake, always trying to slip one *šuf* that was *bum* or *enži* (n. g.), whereas she *lajka* to give

her *bordarjem gut stuf* (likes to give her boarders good stuff). And at the butcher's she gets some *porčops* (pork-chops), *šteks* (steaks), maybe a few *rebec* (rabbits) or a young *luštar* (rooster) or two, and a little *ketsmit* (cat-meat). At the *društvo* (drug-store) she buys a *fizik* (physic) for the *bebi* and is half tempted to blow herself to an *ajskrem soda* (ice cream soda).

Arriving home, she orders the wailing *bebi* to *šerap* (shut up), and tells two of her older children to cease their *fajtanje* (fighting) and *garjep* (hurry up) to the *rejrod jards* (railroad yards) with the biggest *basket* in the house and see if they can't pick up some *kol* (coal). And so on; there is, indeed, hardly an everyday word that is not thus taken from the English language and refashioned to fit the Yugoslav tongue.

Very interesting, too, is the manner in which these immigrants Americanize their surnames. Often they choose Anglo-Saxon names, or what appears to them to be Anglo-Saxon names, whose sound or spelling or both resemble the original Yugoslav patronymics. Thus Oblak becomes *O'Black*; Miklaveč or Miklavič, *McClautz*; Ogrin, *O'Green*; Črček, *Church*; Jakša or Jakšič, *Jackson*; Bizjak, *Busyjack* (!); Oven,

Owen, and Stritar, *Streeter*. Not infrequently they translate their names into literal or near-literal English equivalents; as for instance, Černe into *Black*, Belko or Belič into *White*, or Podlesnik into *Underwood*.

The influence of this new American-Yugoslav language upon the literary forms used by Yugoslav-language newspapers in the United States is as yet only slight. So far I have noticed but a dozen or so of words that have been admitted into the news and editorial columns, e.g., *majnar* and *majna*, *farmar* and *farma*, *štrajk* and *štrajkar*, *štor*, *viska*, and *lota* (lot). There are one or two humorous columnists who go further in this direction, but they are exceptions. Once I met a West Virginia Negro who, having worked with Slovenes most of his life, spoke quite fluently a Slovene dialect and could read the Yugoslav newspapers. But no more than a dozen Yugoslav words have been taken up by any considerable number of native Americans, and most of these are obscene or profane. At the moment I can think of but one that is printable: *posica* (pronounced *po-titsa*), the name of a kind of cake made in Slovenia, a poor imitation of which has come into vogue in Chicago and other Mid-Western cities.

BODY'S BREVIARY

BY JOSEPH WARREN BEACH

FIRST WEEK

I

Monday. Body mind and conscious mind. The conscious mind running alone is a motor running and driving no wheels. I am tired of the futile drone of my conscious mind running alone, of the vain irritation of gray matter in the cortex of my brain. I want to sink into my larger self and live happily in my lower centers. Let "the long intestine keep its rhythm," let "the fine cilia lining air-pipes keep moving like fields of grain." Let my whole being be suffused with the content of vegetative processes,—absorption and elimination, metabolism and catabolism.

II

Tuesday. It is good to swim against the stream, to pit one's force against the force of the current, defy the rapids and leap the falls. It is likewise good to lie passive, to float downstream with the current, follow each curve of the fallow lands and into the warm reaches of salt water. With the stream or against the stream, all creatures obey the dominant stress of life, fulfilling their destiny. . . . Fate is full of contradictions. The sons of Prometheus have grown mighty defying the gods. They have hung their walls with trophies torn from the reluctant grasp of Nature.

III

Wednesday. The study of body is the discovery of soul. For the soul is a flower of that stem. Because I knew not the body, I questioned and mistook the soul. I cut it from its stem and set it in holy-water in

a crystal bowl. It kept a momentary fragrance, but in the morning it was like a dead bird, crumpled and shriveled, and fit for nothing but to be thrown from the window.

IV

Thursday. Work is better than play, for work is toward an end and seeks a consummation. Play is preliminary work, a trying of powers, action without purpose. . . . The end of work is unimportant, but it gives design to action; it gives coherence to life, and significance. It binds together yesterday and tomorrow.

V

Friday. Be not too much concerned with the consummation of your wishes. If you achieve your end, so much the better. If you achieve it not, it has already guided and given design to your action. And the end of action is action. . . . Unsuccessful work may be successful play. . . . Be not overmuch concerned with the consummation of your wishes.

VI

Saturday. When I have done good work, I will take pleasure in it. When I am baffled and obstructed, I shall know that it matters nothing.

VII

Sabbath. Irony is a sharp blade, a good weapon of defence. Where there is nothing to defend, it is a dangerous tool. It is in the cause of love that I whet my blade of irony. Love and aspiration are the blood and breath of life. When I slaughter these, like Saul, I turn the blade upon myself.

SECOND WEEK

VIII

Monday. We grudge at life because we are unwilling to pay the price of admission. . . Admission, quotha? We must keep on paying throughout the performance. Every day, every minute, we must pay. . . Well, is not the spectacle worth it? Is not the game worth it? Color alone would be worth it. Smell alone is sufficient—the smell of linden blossoms across the tennis field. And beyond smell and color there are love, which comes higher, and thought, which costs so much that we have little left for love, for color and smell. Well, that is life . . . and do I understand you to prefer a state of not-being?

IX

Tuesday. We are receivers of stimuli, and responders. How terribly they beat in upon us! Demanding response, adjustment. The sun we could well bear. We have injured ourselves to color and to smell; we instinctively draw down the blinds of our senses. But thought is a tyrant, insinuating itself into our moments of reverie and visceral subsidence into calm. Most terrible of all are people, with their invitation, their challenge to response. If I might be silent for a year, I should be saner certainly, and perhaps wiser. If I were not concerned with others' opinion of me, I could talk and not be distracted; I could be silent and suffer no embarrassment.

X

Wednesday. Why must I be so much concerned with others' opinion of me? People ought not to expect more of me than nature, and nature expects no more than I can give. My heart is good; I like people; surely they will know this without my telling them, without my seeking smiles and blandishment. I will turn my face to them and they will open their hearts, and so they will love me. But I wish them to think that I have gifts, that I am clever? Surely I have gifts, though not the gifts I

might have chosen. Say I have not wit, nor humor, nor gayety: say that I have not a memory stored with knowledge to make them wise. But I love life, and I love thought; then my face will light up with interest in what they say. I shall catch the ball they toss me and pitch it back again and catch and throw it back. And so they will be happy and not be bored, and not think ill of me. (It would not be human not to wish them to think well of me!) And if I tire, if my mind flags and I seek solitude, they will not miss me—there are always so many others to play at ball with.

XI

Thursday. For us the table of life is spread profusely. Our greatest labor is to choose among these lavish offerings. Cramming is the mother of under-nourishment. Gobbling makes no bones. The paths open out in every direction. Every way is good; but all ways together lead to distraction. Let me choose one path today and follow it through, whether it lead through forest or meadow, up the mountain or down to the water. And I will take my time, as eternity does, to ripen her fruits. *Ich geh' nicht schnell, ich eile nicht, durch Dämmergrau, in der Liebeland!*

XII

Friday. A little music suffices me. To the musician it is his element in which he lives. He rides upon it as a bird rides upon the air. To me it is a tip of flame. One song of Strauss, one movement of Mozart, is enough to set me burning for the day. It is enough to set all my dreams to music. Against Wagner and Beethoven I must defend myself; I must defend myself against Titian, against Milton. I would not be consumed to cinders; I would not be drowned in a butt of malmsey.

XIII

Saturday. What is this complaint of the demands of life? Life besieges you with claims? You could lie down like a tired child? . . . For heaven's sake, why don't you lie down? . . . Understand this well:

Life makes upon you no demands whatever. Life sends you an invitation with no r. s. v. p. If you are besieged with claims, they are all of your own invention. Nature makes no demands upon you. Nature has taught you to seek food, to make love, to shun the fire. If you don't mind the fire, Nature will let you burn without a qualm. If you have no need of love, Nature will get along without your progeny. You have bread and water and shelter from the wind. You have an ash-plant for snakes and marauders. Very well, you are ready for life's invitations. Nature taught you to relish your dinner and go to sleep with the sun. Who taught you to lie awake and whine over the demands of life?

XIV

Sabbath. Henceforth I mean to make much of myself. I look upon myself as a man of parts. I am not Socrates or Einstein, Conrad or Rembrandt, but I am the microcosm and the center of this world. Roses languish in my parterre, but I have a way with nasturtiums. They nod their curly heads all over my sand-heap and fill my house with shrill blasts of merriment. Behold, I am a man of parts! That was a good thing I said this morning, though somewhat too subtle for common apprehensions. This set of tennis I lost, but one good stroke amiably colors the whole evening. They say that Betelgueux has a circumference of 200,000,000 miles, or, swollen with heat and gas, 400,000,000. Perhaps it was diameter and not circumference. But that is all one to me, who have never glimpsed that distant star. What is Betelgueux to a man of parts? What is it to one straw-colored nasturtium?

THIRD WEEK

XV

Monday. Now that I am a man of parts, my body secretes juices faster, enzymes and hormones, ferments and excitors. Metabolism goes merrily and my body takes shape like a statue of Hermes. My

arteries sing as they carry blood to the tips of my toes, and up and down my spinal column the nerves purr with placid contentment. This it is to be a man of parts, to make much of myself. . . . And now that I make much of myself, I make much more of others. I am better company now than I am at peace with myself.

XVI

Tuesday. But, you say, people make demands. . . . What claims have people upon you so long as you do them no harm? What right have people to upset the balance between you and the world? If you have taken a wife, you must give her food and shelter. If you have begotten children, feed them and let them learn the lessons of Nature. . . . And as for a good example, what better example can you give them than that of a man at peace with his world?

XVII

Wednesday. Consider this Dutchman in the picture. Placid he sits with his pipe and bowl under his vine and fig-tree. His hat on the ground, his garters loose and stockings down. He talks with his friend, between long silences, exchanging ancient proverbs. He laughs little, and needs little sleep, for he consumes but little nervous power. He is man as he should be, and seems to have solved the riddle of life.

XVIII

Thursday. But he produces nothing and is good for nothing. He does not pay for his keep. Is there no demand that we should be good for something? . . . There is nothing anywhere that makes such a demand. Life demands nothing, but offers ample occasion. If there is something you crave to do, by all means do it. That is your privilege. But why plague yourself with imaginary claims?

XIX

Friday. It is the privilege of the pine to grow a hundred feet high and sprout a million needles, to make scented shade for man and beast, and give the wind an in-

strument of many strings whereon to play its ceaseless symphony. . . . It is the privilege of man to build bridges and fashion collects. It is his privilege and pleasure. . . . It is the privilege of the potato plant to drain the soil and grow potatoes; the privilege of the potato bug to fatten on the leaves of the potato plant. It is the privilege of the wheat to shoot up seven feet and cover the prairie; and the wheat rust to dart its fibrils through every stem and cause the wheat to shrivel and die. Nature offers a fair field and no favor.

XX

Saturday. Have you not learned that nothing matters? The ephemera rises at sunset from an imago in the water, with the rising of the moon; she mates and drops her eggs, and before sunrise she is a wisp of lifeless wings, a speck of débris on the wan surface of the water. The mason wasp shoots forth her stinger to paralyze the spinal ganglion of the spider; she drags the spider home and lays her egg within its body and seals it there with mud as in a tomb. The egg hatches, the larva makes its meal of the spider, digs its way out, and leaves within the tomb the empty shell of the spider. Such is the way of life, and nothing matters.

XXI

Sabbath. To me it matters whether I suffer pain or pleasure! To the spider it matters when the mason wasp pierces him with her stinger. To the ephemera it matters that she find her mate in the moonlit mist above the water. . . . Very well then! Let the ephemera find her mate in the moonlight. Let the spider give a wide berth to the wasp; let him spin a citadel impregnable. . . . And as for you, do you build your bridge; fashion your collect and take delight therein. Go to it happily, and build fiercely; but let it not plague you with the plagues of Egypt. Consider the lilies of the field; they toil not neither do they spin; and yet I say unto you that Solomon in all his glory was not arrayed like one of these.

FOURTH WEEK

XXII

Monday. Why were you given eyes, my friend, and fingers to touch, and throat and tongue formed for the shaping of words? So that you might behold and feel, and give voice to the wordless soul of things. It was not for nothing that you were spawned upon the waters of time. From eternity the soul of things dumbly craves the word that shall give it full being.

XXIII

Tuesday. All the ways of things are words. The marriage and divorce of atoms, and every potency and pungency of the elements, single or mated. The ocean is tireless in his invention and combination. The fluttering down of leaves is one word, and the tightening grip of a woman's arms. Every word of man is a constellation, a stellar system of the words of nature. Nature needed not the words of man, but she has long sought them; they are the latest fulfillment of her eternal impulse.

XXIV

Wednesday. Do not suppose that the world hangs upon your lips. Infinite are the words that have been found. The glide of a lizard into his hole is a song. Water falling, the birth of a child, the unshed tears of a widow. The pulse and measure of a minuet are alone a complete system, a sufficient interpretation of the universe. The flapping shoe-soles of the clog-dancer, these are another system. And the soul of things is released with joy in the crooning plaint of Negroes in their moonlit cabins.

XXV

Thursday. *Obne Hast, obne Rast.* . . . Eternity has a long breath, a long unhurried pace. She will wait, never fear, for the word you have to utter; she will not miss it when it comes; and if it never comes, she will forgive you.

XXVI

Friday. All life is a curving in of petals towards the heart of Love. Brief and rare is the consummation, but that voluptuousness suffuses every thought and movement. The playful grace of children, the fierce labors of manhood, the tranquil reveries of age, are petals curving in to the heart of Love. Anticipation, experience, memory, who shall tell them apart or say which is the greater glory? Divide them and you tear up and scatter the rose of life.

XXVII

Saturday. Whatever is least conscious of Love is a celebration of Love. If I tame wild horses, if I lace the world with wires and messages, if I blind myself deciphering codes and peering after stars, it is an

affirmation of manhood, instinctive service in the shrine of Paphos. . . . All life is colored with that delight,—the lonely woodsman felling trees, the mystic dreaming in her cell, the settlement-worker cool and efficient in the heat and confusion of the slums. The compensations and sublimations, the very denials, are themselves the creations of Love. All movement and thought are suffused with that delight that lies at the heart of Love.

XXVIII

Sabbath. Let me never be reconciled to pain. Pain is a phase of life, but it is life out of beat and striving to recover the rhythm. . . . Fight away, pain! Strike out, right and left; beat away until you have caught again the rhythm of life!

THE GODS CONFUSED

BY OLIVER H. P. GARRETT

BECAUSE of the tradition that newspaper styles, like those of millinery, must emanate from New York City, the appearance of the tabloids in the metropolis, and their instantaneous success, assumed in editorial breasts throughout the United States the proportions of a national calamity. In Manhattan itself, the catastrophe took on a poignant personal character among the editors of those dignified journals which had survived the stormy passage of Munsey.

At first, in the offices of the *Times*, the *Herald-Tribune*, and the *World*, where the pressure was to be felt the most, there was an inclination to regard the new fungus with gentle compassion, as a novel experiment little likely to succeed. There were news stories and even kindly editorials, wishing the newcomers well. But as the *Mirror* followed the *Daily News*, and the *Graphic* the *Mirror*, something akin to panic forced its way into the evening conferences of the editorial dogmatists, with their "This is a good story" and "That's not news."

For a good many years, the lot of the newspaper editor in America had been an easy and a happy one. His working hours had been full of the satisfaction of an artisan who knew his trade and performed it with precision. Charles A. Dana, the god of all American newspaper men, had defined news as the biting of a dog by a man. Designed for lesser, simpler souls than he, it proved their invaluable yardstick, confirming their belief in their own capacity to measure and understand what they liked to feel was incomprehensible to laymen. From the Bangor *News* to the New

Orleans *Times-Picayune*, men knew the phrase and mouthed it as an article of faith. International bankers, public relations counsel, novelists, continuity writers, cotton planters, and salesmen of bogus stock, boasting of having been newspaper men once themselves, made of it a reminiscent incantation, like the *Arma verumque cano* of those who have studied Latin. In the end, even the more advanced among the despised laymen learned it, and, with it, the feeling of having penetrated to mysteries of which all but them were ignorant. As a symbol of the newspaper editor's belief that news fell within hard, clear lines, easy to mark off, it took on the authority and sanctity of a litany.

Into this happy scene of security about the editorial board the tabloids thrust themselves as most unwelcome guests. It was not alone, nor even mainly, their bounding circulations which brought uneasiness. Hasty inquiries soon showed that no small number of the new tabloid readers were recruits who had never read newspapers before. Thus a circulation of one million for the *News* did not mean a proportionate decrease of readers for the tabloid's staid contemporaries. Nor was it the discovery that well-chosen, clearly printed photographs could make readers where none had been before, for that had been known a long while. It was the conclusion, reluctantly reached and never analyzed, that the tabloids had broken loose from the old news tradition, and were winning readers, advertising and profit by measuring news solely on the basis of its interest for large numbers of adult infants. That gave the old-time

editors something to think of. It shook their old professional assurance and complacency. If the intrusive gentry of the tabloids were not going to regard the old standards of news, a multitude of editors, advanced in years, would soon be as little children in their trade.

For a brief period, the more sober journals hid their uneasiness well. Only their reporters, loose on the street with the hellhounds from the tabloids, knew not whether the following day would find them in bad odor for having failed to purchase an interview with a bereaved widow, or to steal the photograph of a dead child, or to wrangle from reluctant sources some other such tit-bit. It became the humane practice to pretend during office hours that the tabloids didn't exist. Their thefts and fakes and underworld subtleties were mentioned only during social discourse and never during a meeting of the Ethics Committee of the Newspaper Club.

II

But newspaper business managers make poor ostriches, and the pretense of indifference could not be maintained for long. The appellation, "standard papers," was devised for advertising purposes, so that there might be no confusion in the public mind between the two schools. Grave editorials discussed the Tabloid Era. And about the same time, taking their cue from the editors, reporters for the standard papers began to describe in news stories the activities of tabloid reporters and photographers as a part of the "American scene." Very aloof and superior the standard papers became, but they couldn't keep off the subject. In the end an account of the tabloid machinery of reporting an event became such a vital part of a news story about it that the event itself all but disappeared from view.

The Browning case brought open hostilities. From the moment the distinguished realtor, Edward W. Browning, began advertising for young girl applicants for the

office of adopted daughter until he chirped his final statement to the press, months later, he provided the perfect tabloid story.

Here was a gentleman who, to all intents and purposes, could not be libelled; who could be ridiculed, buffooned, scorned or solemnly attacked as a public menace; whose fetid mind could be explored at will; whose sexual practices and honeymoon antics he was only too happy to reveal, and from whom, as rejoinder, might be feared not so much as a single letter to the editor.

If they had made him to order, the tabloids could not have done better for themselves. Before the lamented war, newspaper practice had held suspect, as not news, any information which the subject desired to be published. Press agents were the common enemy of all editors, and only by the most devious tricks, and the most generous outlay of free tickets, could even circus men get stories into the papers.

The war and Ivy Lee, most eminent of public relations counsel, broke down this editorial prejudice to a point where press agents and their canned copy became almost as welcome as an Associated Press bulletin. But it remained for the tabloids and the Browning case to develop the new point of view to its natural conclusion. To them must be credited the discovery that the exhibitionist who enjoys the public exploitation of his private affairs is the most fecund of all news subjects—a generic mother of news stories, capable of infinite creations without a still birth in the lot of them.

Not unhumorously, while the standard papers preserved an uneasy aloofness, the tabloids adapted to the new scheme the old device of printing signed stories, which was invented by their solemn predecessors for the handling of scientific and historical events. Thus, close upon the heels of Carter's story of the tomb of Tut-Ankh-Amen, Byrd's story of the flight over the Pole, and the tales of Amundsen and Ellsworth, came the account by Mary Spas of Daddy Browning's love yearnings.

The auction of the Spas document offers a fair example of tabloid technic. A reporter for the *Mirror* and a reporter for the *News* stood in the humble Spas home bidding for the young woman's narrative. The gentleman from the *Mirror*, unknown to his competitor, possessed a blank check duly signed by his managing editor, and orders to fill it out for any amount, but under no circumstances to fail to return to the office with the Spas' signature and her person as well. The gentleman from the *News* had but \$500 in cash. The bidding soon passed that point. He held up the proceedings while he made a frantic telephone call to his managing editor. In a few minutes an office boy from the *News* appeared with \$4,500 additional cash. But the Spas eye had glimpsed the blank check and heard the words "Write your own ticket." So the lady departed hurriedly for the *Mirror* office, while the *News* reporter raised the cry that she was being kidnapped.

With the appearance of Peaches Heenan on the Browning scene, there ensued a mad scramble among the tabloidicians to be the first at the bedside with fountain pen and check-book. At last, Peaches, having fled from her Daddy, was traced to a hiding place in New Jersey by the same gentleman from the *News* who had failed to win the narrative of La Spas. He had \$5,000 in cash in his jeans. Quietly, majestically, as befitted one who had never seen such a congestion of yellow-backed bills before, he flashed the money before the lovely Heenan eyes. But Peaches, strangely enough, declined for any price to tell the manner of her acid burns. Whereupon he withdrew, having obtained photographs and the revelation of her whereabouts without spending a cent.

The conventional journals of the town, with their protestations of public duty nobly performed, regarded these didoes with growing perturbation. Reports of their news-stand scouts told of steadily growing circulations among the tabloids. Vaguely, they still hoped that the Browning worm would turn, and that the tab-

loids would be blown to perdition by their own petard. A snappy libel suit, they felt, might well destroy this menace and make unnecessary any decision by standard editors to adopt the new technic.

The miracle was denied them. Worse, there approached the trial of the Browning-Heenan difficulties, with all its promise of meaty disclosures under official approval. The impending spectacle ill-suited the old, close definition of news. Daddy's doings showed neither the iniquity of great wealth, the immorality of the younger generation, nor even the fate of innocent girlhood alone in a great and wicked city. In no sense could the portrait of a middle-aged realtor, disporting on all fours in his bedroom before his bride, be deemed to affect the amity of nations, the rise in exchange, or the future of aviation. Daddy, in fact, was singularly unimportant. And it was unrelieved tragedy that hundreds of thousands of newspaper readers appeared to regard his sex life as highly interesting.

III

"Important and interesting" had long been the final gauges of the standard editors in estimating big news. The more emphasis on "important" and the less on "interesting," the greater the dignity and prestige of the editor. "Important" had proved a happily loose term. It permitted one to class thereunder Woodrow Wilson, the League of Nations, the Geneva Arms Conference, the Yellow Peril, national prosperity, Alfred E. Smith, or the great Republican Party, according to the hobby of one's proprietor. But now there was arising on the horizon a story which held no other excuse but interest, while in the foreground the tabloids sharpened their knives for the feast.

Desperately, the standard papers sought to brush the horrid vision away. In news stories and editorials it was suggested that the trial be conducted in private, beyond the ears and winking camera eyes of the tabloids. The court ruled otherwise. There-

upon, the *World* brought up its heavy guns. Under the title, "The Big Show," it declaimed:

The Browning separation suit, according to a decision handed down yesterday, will be tried publicly. And, apparently, under the law, the court could give no other decision. But consider where this public trial of the case will lead us. First, we shall see a court-room jammed with the machinery for reporting the scandal. We shall see reporters, sob sisters, newspaper camera-men, telegraph messengers and all the rest of a familiar company. We shall see the parties to the suit, together with their relatives and eminent counsel, basking in the light of all this publicity. We shall see newspapers filled for days on end with the great sensation. We shall see photographs, both real and composite. If the precedent of the Rhinelander case is followed, we shall see the stenographic testimony; and this, to judge from the memoirs written by the defendant in order to warn other young girls, will be unusually revolting. In short, we shall see an orgy of legalized lewdness that would be suppressed by the police if it arose in any other connection.

And all to decide whether Bunny is to have a separation from Peaches! That is the great issue which is to degrade our press, public and courts. Its effect on the courts is perhaps the gravest evil of all. Bench and bar may ignore the issue as much as they please, but this kind of thing does as much to destroy respect for the law as any of the factors more often discussed. Respect for the law rests on respect for the courts; and respect for the courts, in a large degree, rests on universal perception of their dignity. It is impossible to associate dignity with the balldoo going on in the court at White Plains. That court, for all one knows, may have every high quality that a court should have, but dignity is a matter of appearances, and the appearances here are those of a sideshow. It is time for us to consider whether we do not pay a terrible price for our fun when our fun is a sensational airing of marital difficulties.

Under the emotion which inspired this document, there trembled in the balance for a few hours in the *World* office the momentous possibility that that newspaper would refrain from publishing any account of the proceedings at White Plains. Upon reflection, however, it was decided that a great newspaper need not go so far. A reporter and photographer were despatched to the trial to report the affair in as dignified a way as possible. As for the *Times*, it gave Peaches and Daddy, word for word, as much space as did any tabloid, but discreetly hid its shame on inside pages. The *Tribune* played the story without so much as an editorial ahem, but sought to

dignify its accounts by refusing to use the nicknames Peaches and Daddy except when they appeared in the testimony. The *World*, having warned its readers, finally made room on Page 1 for the story, satisfying its sense of public duty by a careful censorship of the stenographic testimony.

Having built their perfect story and confused their enemies with it, the tabloids might have been expected to find great satisfaction therein. But such was not the case. The *News*, hitherto the unquestioned leader in tabloid technic, discovered it had lost appetite for the game. Its longer life and the prestige of its one million readers had apparently brought upon it a desire for greater peace and more respectability. But the pace of the Browning case permitted no such fatty degeneration. The *Mirror* took the dizzy lead, with patchwork headlines, such as:—

D
A
D Y R U D
D U I E
N

Further, the *Mirror* published all the testimony, save for a few dull words omitted in favor of more exciting asterisks. Not far behind reeled the *Graphic*, with composite photographs of the eminent realtor in love poses with his puffy bride and their honking gander, and with such humorous captions as "Honk! Honk! The shoe-trees shronk."

Rumor has it that the *News* increased its circulation by 200,000 during the Browning trial. The *Graphic* is reputed to have put on 250,000. But the inspiring leadership of the *Mirror* brought it first place with 300,000 new, if temporary, readers. Whereupon, behold the *News* on Monday, January 31, 1927, in the following editorial and spiritual doubt:

There are a number of clean and enterprising plays in New York this year. Fred Stone's "Crisis Cross" is one example. But never before have such filthy plays been shown as are now running in this city. It is whispered that even worse shows are in the offing, waiting to get to theatres.

It is evident that the managers won't clean the

dirt out of the theatres of their own free will. Perhaps they can't. Anyway, they won't. So a censorship of stage plays appears as the only solution. This city can't stand such garbage on its stage much longer and hold up its head in the nation.

Mr. Lee Shubert, being questioned on this point, once said: "Well, if you have a censorship for the theatre, why not for the newspapers? Newspapers dish out as much dirt when there is a spicy trial on as plays ever do. You sell the newspaper to any kid who has two cents, but you have to pay \$2.20 up to maybe \$9.90 to see a brothel operating across the footlights. That puts it beyond the reach of kids. If censorship of the theatre, why not of the press?"

To which our answer is—well, why not?

In this Peaches-Daddy Browning trial some of the publications reporting it have gone so far beyond the line of decency as to seem insane. Like the ravings of John McCullough or the spewings of the Gadarene swine.

Far be it from us to pin a lily on our coat. The *News*, also, has gone too far. But the point is this: As long as there is more money in more smut some theatrical manager will be found to go a step farther than before.

As long as there is more newspaper circulation in more smut some presses will be found to roll out the smut.

Some unusually ruthless manager or editor leads the parade toward smut's farthest boundary line. The others—or many of the others—follow. They may follow reluctantly, but they do follow. Editors are people and all people will do things under the stress of competition which they will not do ordinarily.

We see no end to competition in the New York newspaper field. Hence, we see no end to the smut parade unless the authorities intervene.

We hate bureaucracy. We hate the suppression of free speech. But unless the minds of the children of New York are to be drenched in obscenity it seems to us that a censorship of the press as well as of the theatre must come.

The censorship, of course, should extend only to matters of common decency. Free speech as to public affairs must be as free as now.

The Postoffice Department at present maintains a sort of censorship of newspapers in regard to the lottery law. That is unimportant compared to this question of decency. If the Postoffice Department is instructed to do so, it can quickly cut out flagrant indecency from the newspapers with little disturbance and without creating a new bureau.

These suggestions will at first seem radical to other publishers. But we believe if they give the matter thought they will see that such a censorship would not bother the papers which wished to stay within the liberal bounds of decency. It would restrain only those that wanted to go beyond the limit. And in the long run, even these would profit from being held in check.

Great joy bounded into the hearts of the standard editors at this show of weakness in the Devil's camp. For a moment the

more naïve may have even hoped that the tabloid era was on the wane. But soon the *Graphic*, brought into court, was acquitted of a charge of obscenity and Satan, in the guise of the *News*, recovered his poise. Not again was he to waver, except for one brief hour, months later, while an "early pink" edition sold on the streets bearing an editorial white feather. It was hauled in before the second edition appeared.

IV

After the Browning case there was a lull, but none of the standard papers would ever be quite the same again. The perfect tabloid story had come hard upon the revival of the Hall-Mills case, which had been the single-handed work of the *Mirror*. Already the standard papers, before the trial of Daddy and Peaches, had been forced to eat tabloid crow. Though they had sought to disregard the accusations against Mrs. Hall and her relatives as the product of odoriferous journalism, the new habit was already too strong upon them. The arrests brought them down on the story, clamoring, and they exploited it during the subsequent weeks as no tabloid was able to do.

Arrests, even by the decaying standards of the most respectable journals, constitute news. Thus the Hall-Mills affair became both official and respectable. In the glottology of standard editors, the Hall family, by being arrested, no matter if at the instance of a tabloid, had "crossed the public conscience." So it became not only the opportunity but the duty of reputable newspapers to join the orgy. The fullness of this reasoning was demonstrated beyond dispute by the *Times*, with its circulation of thousands in the public libraries throughout the land. It devoted to the Hall-Mills testimony more space than it had ever given to any other story in its history. During the good or "hot" days of the trial three full pages were filled by the stenographic account of the proceedings. In wordage the *Times* outstripped the three tabloids combined. Its circulation gains

were tremendous. Yet on April 3, 1927, it produced the smug specimen below:

During the past six months the circulation of the New York *Times*, certified in the statement required by law on April 1, reached the highest figure in its history. The total daily average for net paid circulation, 414,990, represents a gain of 22,000 over the highest previous total for six months. The whole is a matter of public interest as well as of private satisfaction. This steady growth of the *Times* has taken place at a period when many newspaper standards have seemed to be upset. It has been a time of all kinds of flashy experiment. In the turmoil kicked up by and around the new tabloids it may have seemed to careless observers that the only road to journalistic success lay along gigantic headlines, grotesque attempts at humor, and almost entire disregard of the really interesting news of the world.

As against all this the steadily increasing approval of the New York *Times*, shown by a widespread gain in the number of its readers, is an indication of the true sentiment of intelligent people which the newspaper world cannot afford to neglect. It should be pondered by those in the profession or planning to enter it. The case is one calling for serious study and comment in schools of journalism. No one will claim that the trend is all one way, but no one with his eyes open can deny that in the success of the *Times* is a proof that those who think it all one way—and that the way of irresponsible journalism dealing only in "features"—are mistaken. The demonstration is complete that a large public desires a newspaper that preserves its sanity in the midst of clamor, that seeks and prints news which counts from all parts of the world, and that does not insult the intelligence of its readers by assuming that they cannot read or understand anything not in big type or in a picture, and that their daily desire is to be amused or scandalized rather than informed.

V

Many newspaper workers are pleased to call their trade a profession. Editors, reporters and copy readers alike view their tasks for the most part through a romantic haze, in which they see literature and public service mingled in happy union. They are frequently charming, shiftless folk with an abhorrence for commerce and its ways, and as long as they are able they delude themselves with the belief that literary merit and high principles are the goal for which at least some newspapers strive.

It is thus not easy for them to grasp the significance of such a term as "starting point of manufacture," which the *Herald-*

Tribune used in the published diagrams of its new plant to describe the City Room. It becomes clear to them only on such rare occasions as the appearance of a tabloid reporter on the scene, with his pocket bulging with cash with which to purchase news or photographs. When the ingenuous newspaper employé observes the purchase of a reunion picture of Mrs. Snyder and her daughter Lorraine for the small sum of \$200, split between the relatives and county officials, and discovers that the same photograph, sold to other papers, will net a profit of \$500 or more, the real basis of his trade becomes more apparent.

The effect upon the layman of the revelation that newspaper publication is now a form of commerce and not philanthropy is even more disquieting. It leads him, often, into dour denunciations. He deems all newspaper workers to be privy to a gigantic conspiracy. Following the trail of Upton Sinclair, he breathes dark stories of the vicious suppression of news and the exploitation of other material for profit alone. Certain unpleasant facts seem to bear him out.

It is true that big stories, heavily played, bring circulation and advertising; during the run of banner headlines from the beginning of the Snyder trial to the arrival of Byrd's plane at Ver-sur-mer, one newspaper showed an average increase of circulation of 45,000 over the previous dull period. It is true that all this tempts newspapers into vast excesses, such as building the Lindbergh story into a gigantic edifice of news print, and the deliberate pumping up of interest in heavyweight prize fights and other such affairs. It is true that editors follow the trail of the largest circulation, regardless of their protestations of virtue, and suppress or play down stories which they believe might engender hostility among their readers. Thus every newspaper office in New York has known the true story of Lindbergh's relations with his mother—that what they had described as admirable Anglo-Saxon reticence was

no more than a mutual dislike—, yet not a paper has published even a hint of the true state of affairs. And thus half a dozen papers in New York and Boston, each protesting its desire to get at the truth of the Sacco-Vanzetti case, declined to publish the results of a ballistic examination which indicated Sacco's guilt; most of all, the paper which had sponsored the examination in the belief that it would establish Sacco's innocence!

Indeed, the Sacco-Vanzetti case all but destroyed the remnant of sanity left among the standard papers. For months the Boston papers played down or completely ignored the efforts of the defense to free the men, on the theory that any case which aroused such controversy could only bring difficulties upon the paper which so much as published the news. Surely a curious doctrine—that the very interest of a multitude of people in a news story destroyed its news value! The St. Louis *Post-Dispatch* alone among American newspapers published the Frankfurter analysis of the evidence which proclaimed the innocence of the convicted men. The confusion brought in by this biggest of news stories led to the attack of the *Times* upon the writings of Heywood Broun in the *World*. Not since Munsey's death put an end to his signed absurdities on Page 1 of the *Evening Sun* has there been a more curious document than the explanation published by the *World* of its subsequent suppression of Broun's views. It announced that its policy was not to interfere with the "fullest possible expression of individual opinion to those of its special writers who write under their own names," and then went on to say that, "exercising its right of final decision as to what it will publish in its columns," it had "omitted all articles submitted by Mr. Broun!"

In the face of such goings-on the protestations by the standard papers of their philanthropic purposes make them very vulnerable to attack. Thus the *Graphic*, as the most self-conscious of the tabloids, got its opportunity to fulminate about

having "the heart and courage to stand by every plank in its own platform,"—on the same page which showed Plank No. 10 of that platform to be: "Harmonize automobile laws with the speed allowed by enforcement officers!"

VI

The commercial character of the American newspapers is nothing new. Half a century ago or more they were, for the most part, still the personal organs of men who were willing to pay a deficit for the privilege of exhibiting their views in public. But since then they have comprised an industry run for profit. Should they be judged on any other basis than the pants business or any other commercial enterprise, just because men like to throw about them a fictitious aspect of romance? It doesn't seem so.

Perhaps, in essence, they play the rôle of a public utility and should be under the same control as the street railways. But they are not. And until they are, it might be sensible of laymen and newspaper workers alike to regard the trade through less romantic glasses. A reputation for attacking public wrong is a tangible and profitable asset for some newspapers, just as a public belief in the high quality of his wool is an asset for a pants manufacturer. Other papers sell their product with less emphasis on the integrity of their views, just as other pants manufacturers point less to their materials than to the fancy cut of their pants. Should a newspaper be judged harshly when it fails to carry its crusading spirit into fields where it would not add to circulation and would injure profits? And should the editorial stuffed shirts who are driven to chicaneries about their papers' consciences be deemed a dangerous species, or should they win instead a little laughter?

Certainly no gentler, more well-meaning folk may be found than the grave-toned editors of the "reputable" press. Representatives of Southern States in Congress

do not feel their responsibility more. They are merely engaged in child-like make-believe. If, during even their present confusion, they can maintain a little longer the notion that they are engaged in a profession, should one berate them?

Theirs, it would seem, is unhappiness enough. They fumble for the old assurance of the Dana days, and achieve no greater sense of security than this proud paean of the *Times*, published the day after Lindbergh returned:

Newspaper workers who labor to present to the public accurate and complete accounts of human happenings may well have found in viewing the crowds yesterday some justification for their toil. For those millions gathered and cheered a young man for an exploit of which their only knowledge was gained from the press. "Newspaper talk," which so often receives the sneers of the disaffected or the cynical, was the sole cause of the vast assemblage.

Recently an oratorical prize was awarded to a young person who attacked the newspapers for inaccuracy, bias and general mendacity. Often statesmen confronted with the press accounts of a fact unpleasant to them have announced that they don't believe it; that the only evidence they have had of its occurrence was through the newspapers. And then they have turned haughtily to something else.

Well, did Lindbergh really fly from San Diego to St. Louis, without stopping? Did he then fly from St. Louis to New York without stopping? Did he then span the Atlantic and land at Le Bourget in Paris without stopping? Was he mobbed by admiring throngs, did he wear that borrowed suit, did he receive homage and decorations from Kings and Ministers? Did he return on the *Memphis*? Was he the center of an amazing demonstration at Washington? Was it really he who was yesterday the guest of this hero-worshipping city?

Few who saw that parade and cheered the young paladin had seen him take off from the Long Island field. Still fewer saw him in Europe. Not many had beheld his triumph at Washington. The information which animated those vast throngs came from the press. The press in general, and as usual, reported faithfully these tremendous happenings, and it pursues the same care and devotion in reporting others of far less consequence and much more ephemeral.

Once I knew an elevator operator of feeble intellect but tenacious delusions who worked in a parish-house. His masterpiece was the conclusion that the late war was a myth of the newspapers to inspire greater circulation. With the collapse of the stalwart *Times* into broken-hearted appeals to such as he, let us be charitable to the gods in their confusion.

A
tion
of t
the
last
som
ever
June
noon
start
selv
dead
jung
neg
crec
diso
Th
Sum
prop
plac
were
equi
an u
terra
dodg
ing
ing-
wh
and
their
feroc
nove
serve
chris
mem
War
inen
By

DEADWOOD THE DREADFUL

BY DUNCAN AIKMAN

A SHORT gulch, narrow but tortuous, slashes its way in a generally north-easterly and south-westerly direction under the pine-dark northern summits of the South Dakota Black Hills. Toward the bottom of it, about the middle of the last century, a few acres of timber died of some obscure arboreal anemia, or because, even when it was clear, they never got the June sun after three o'clock in the afternoon, or because Sioux hunting parties started a forest fire trying to warm themselves from the August frosts. By 1875 the dead trunks plunged in an inextricable jungle down the 60% grades of the more negotiable precipices, and tangled the creek at the bottom in a riot of impassable disorder.

The prospectors who hurried past in the Summer of 1875 manifested the artistic appropriateness of the obvious by naming the place Deadwood Gulch. These prospectors were carrying 100-pound packs of grub and equipment, and hunting gold in a hurry in an unfamiliar and peculiarly complicated terrain. They were doing their best to dodge varmints—the Sioux who were shooting at sight for this invasion of their hunting-grounds, and United States cavalrymen who were virtuously conducting arrests and deportations to protect the Sioux in their reservation rights. Thus the most ferocious place-name in the American dime-novel epic was probably devised and preserved for posterity chiefly because its christeners lacked the time to stop and remember their favorite sweethearts, Civil War commanders, Congressmen, and prominent citizens back home.

By the Spring of 1876 Washington had

broken with the Sioux, the cavalry had stopped chasing the prospectors, and Deadwood Gulch was getting notorious as the most promising gold strike on the continent. With the early immigration came one of those rare social coincidences, a prospector with his family. The daughter of the household, a sixteen-year-old of buxom charms but irreproachable morals, was named Elizabeth. In their romantic confusion at beholding a comely virgin who was neither in the dance-house nor the temperance reform business, the miners promptly honored her by naming the settlement at the lower end of the gulch Elizabethtown. But very soon, from a few rods further up the gloom, Deadwood City spread around it, incorporated it, and annexed it as Los Angeles pounces upon a new movie colony out San Bernardino way.

Without telegraph or rail connections, the fame of the town spread. It was reachable only by bull-train or horseback from all four directions through country in which the Sioux were rampaging on the campaign which was to wipe out Custer and his men. Yet with the first thaw Crook City depopulated itself to get there, and the metropolis of Custer demoted itself from a miners' capital almost to a ghost town. There were forty cabins in January, and a brand-new city in April, with 3500 population in June and 5000 on hand for the centennial Fourth of July.

Long before Summer the outlanders were arriving: men who were perhaps bound for the Black Hills anyway, but had heard of the riches and enticing name of Deadwood and came a little faster. Long-haired strangers, now gray, and with a "thar's

gold in them thar hills" accent, appeared suddenly on the streets after washing for gold for twenty-seven years in California canyons without ever succumbing to total immersion themselves. Nevadans rolled in with the crisp fighting manners of the Summer deserts, and, toward the local pebble deposits, the blasé air of men who had worked on the Comstock lode. Over the high plains from the Northwest the bull-trains poured freights of Montanans, grim from incredibly cold Winters and the dour labors of purifying morals from Spokane to Gallatin valley by the Vigilante method. Denver contributed its quota of disappointed ore experts. Cheyenne, and Sydney, Neb., rising supply centers on the Union Pacific, sent their hordes of discharged section hands, cowboys eager for a change of occupation, ambitious bartenders, and even drummers.

From the East and Northeast, by the Sioux City-Pierre and Bismarck trails, came prairie farmers disillusioned about the Greenback Party—the current Farm Bloc—and eager to drown their economic woes in gold dust and excitement. Professional ex-Confederates blew in from everywhere, ready between drinks to damn the Yankee *Schrecklichkeit* for their ruined plantations at home. Persons from the Eastern States arrived in their Sunday clothes, with carpet-bags and wary intentions of uplifting the moral standards of the town to those of a Western Reserve county seat. This disposition, in California's palmy days, had got them dubbed, after their ancestors, Pilgrims. In Deadwood it was usually, after the town's syllabically redundant manner, pronounced "them God-damned Pilgrims."

For each miner, professional or dilettante, real or amateur, there was a camp-follower. Saloons, by the best spoken recollection, were a going feature of the town's social life when nothing was there but forty claims and the January blizzards. From then on they blossomed in numbers and magnificence with each turn of the calendar toward Spring. The shrewder gam-

blers deserted Custer and Crook City before the prospectors with their heavier tool kits and grubstakes could get moving, and so beat rival contingents from Cheyenne, Denver and Montana into town by a margin of hours.

Dance-houses were booming with the savagely Freudian rhythms of the waltz and polka and the equally potent commercial exhortation, "Lead your partners to the bar, gents," before the first violets peeped. Over the red-hot stoves of tents and cabins fortunate miners gossiped in low tones of the charming and unexpectedly cultivated ladies one could meet over dollar-a-drink liquor in the parlors of Madame So-and-So. The Chinese arrived all but ahead of the gamblers, and the city, as soon as established, had an Asiatic suburb fully equipped with wash-houses, restaurants, strange games of chance, and incredibly inexpensive shops.

The place resounded with greetings like an Arkansas Club picnic at Los Angeles. There were Iowa farmer reunions, Confederate and Union regimental reunions and California gulch reunions at every saloon and around every prospect hole in Main Street. Faro dealers who had not seen each other since their last friendly game was broken up by a gunfight in Tucson in '67 met and got, after their professional custom, silently but glassy-eyed drunk. Kitty the Schemer and Madame Moustache, the queens of mining-camp female gamblers, greeted each other with the icy enthusiasm of rival candidates for the D.A.R. presidency. Ladies of purchasable virtue who had served in the same establishments and fought over the same raw-hiders from Dodge City to Boise fell on each other's necks with the abandon of boarding-school girls after the Summer vacation. One William Nuttall, famous for the prodigal freedoms of his burlesque troupes in Nevada and Montana and for having bitten off the upper lip, moustache and all, of an obstreperous miner in Virginia City in 1864, gathered together a new company out of nowhere and everywhere.

Fin
that V
or tr
down
trail
the w
"Here

The t
which
dogfig
Hicko
messy
gulch,
his tw
as a M
and m
Utter,
Jane
follow
tred ar
immac
after t
surged
greetin
exalte
stoppe
enough

Dea
was, a
climax
since
had ge
staging
it righ
show
they h
Walla,
geogra
lection
would
forgett
apathy
be refor
or the
would
railroad
fully eq
county

Finally, late in June came the rumor that Wild Bill was coming. And in an hour or two, or a day or two—accounts vary—down the vast slope of the Custer City trail came the glint of polished harness and the wild shout from the outlying diggings: "Here he is!"

II

The town was still in the happy state in which it would turn out at 2 A.M. for a dogfight, and it turned out *en masse* for Mr. Hickock. Through the thronging and messy lane of Main Street, he rode up the gulch, all in his immaculate buckskin suit, his two guns on his hips, his harness gaudy as a Mexican general's, his long blond hair and mustachios flowing. Colorado Charlie Utter, Bloody Dick Seymour, Calamity Jane and two nameless male hangers-on followed in his train, all similarly accoutred and for this high moment all similarly immaculate. The crowd cheered and loped after them. The "I knew him when" boys surged about Wild Bill's horse, claiming greetings from eminence, until, dusty and exalted with the pageantry, everybody stopped at the first saloon that was large enough and had a drink.

Deadwood was ~~united~~ ^{united}. The West was, a little self-consciously, enjoying its climax. Twenty-seven sophisticating years since the discovery of gold in California had gone into piling up a technique of staging a new mining town, and staging it right. Men—and women—came here to show off before one another all the tricks they had learned from Abilene to Walla Walla, and from Poker Flat to the furthest geographic reaches of Mr. Beadle's collection. In ten years' time the old-timers would be in Hell with their boots on or forgetting their lore through age and apathy; the promising youngsters would be reformed by the pressure of civilization or the penitentiaries. In fifteen years they would be riding to the gold-strikes on a railroad and would be met in camp by the fully equipped representatives of State and county government. But in Deadwood,

"300 miles from nowhere," with the Sioux riding about them on the warpath, with no State or even territorial government to claim jurisdiction, the veterans of a hundred minor duchies of the Kingdom of Hell on Wheels gathered for their last appearance in their prime. Here they indulged their vanity for grotesque splendors, and strutted the last refinements of their arts and sciences of living before it was too late.

Afterward were to come Leadville, Cripple Creek and the Yukon, and the mutual extermination parties of the killers in El Paso. But these were either crusades of tenderfeet or exotic outbursts in communities already manifestly predestined to Rotary. Deadwood was the last complete muster of miners and gun-packers, of card sharps and dance-house girls, of Indian fighters and experts in bawdiness, before they became conscious of the spectators and went into the Wild West show business. Here, milling around on the mucky flats which were seldom wider than a wild heave of a baseball, or climbing to their crag-perched cabins on the hills up teetering wooden stairs which the drunks rolled down at night in solemn limberness and miraculous safety, they rang the Old West out.

Yet for months the scene was so poised on a hair-trigger that nothing much happened. The various breeds of human wildcats there assembled appear to have respected and distrusted one another too much to start anything. The sporadic Black Hills towns which had been founded in the Summer of '75 while the cavalrymen's backs were turned had had the normal number of homicidal encounters and accidental encounters, but the Deadwood boom had been on for eight months before the town had, apart from the suburbs, a killing that anybody considered fit to record or remember. The games of chance went on smoothly without a single effort at pot collection by the gun-barrel, and the gentlemen divided the beauties of the dance-houses with an impeccable regard to precedence. The less experienced raw-hiders began to gloat sen-

timentally over the glories of Western comradeship, and how here was a camp where men were so noble that you could go off on a prospecting trip and leave the grub and bric-a-brac in your tent unguarded. From January to August the town was brooded over by a fellowship as genial as that of a Congress of Ambassadors.

By report of the best experts in Western neurotic tensions, it was Wild Bill himself who upset these delicate adjustments. Mr. Hickock, otherwise a gentleman of charm and inoffensive dignity, had become too famous to live. He had actually, perhaps, killed more than a dozen men in the performance of his professional duties. But he was famous, in the West's exaggerative folk lore, for having killed more than fifty, and the East, fed on dime novels, was ready to estimate the number at a hundred. Here, obviously, was a target too tempting for even Deadwood's partiality for safe balances of power to resist. The man who sent this colossus to the Nordic Valhalla would always, however he did it and whatever his errors of conduct and marksmanship before and afterward, be known as the man who killed Wild Bill Hickock. The opportunity was overwhelmingly seductive, and Deadwood possessed an aspirant in the person of Jack McCall, six years from Louisville, Ky., and tired of being kidded as a tenderfoot who was pretending to be tough without knowing how.

At first, however, Mr. McCall's ambitions were relatively low. He would have been satisfied to be known to posterity as the man who cheated Wild Bill out of \$3 in a poker game. But when this feat was attempted, and Mr. Hickock replied with a careless brandishing of his left hand six-shooter and orders to McCall to get to Hell out and stay out of poker games that were beyond his tin-horn means, the great idea dawned. Accordingly on the afternoon of August 2, Mr. McCall made himself immortal by walking into Nuttall and Mann's gambling-hall and shooting Wild Bill through the back of his head.

But more was proved than Mr. McCall's

mettle as an assassin, for it was now established that killing could be enjoyed there quite as safely as in any other Western port of call. The town itself was still slightly afraid of Mr. Hickock, slightly jealous of his reputation, and took a proper civic pride in being the only community hard-boiled enough to bury him. Consequently, when the defendant testified that Wild Bill had it coming to him because he had similarly assassinated McCall's brother in Kansas, a miners' court gave him a triumphant acquittal.

Amid the frightful but totally ineffective threats of Colorado Charlie and Bloody Dick Seymour—whose name, by all accounts, was adopted for publicity purposes only—the heroic McCall departed for Cheyenne, eventually to be hanged at Yankton. But the town had learned its lesson. It stretched itself, opened its pores and concluded that at last it would be safe to take a little normal exercise. Deadwood the restrained became Deadwood the dreadful.

III

It was not that the town was ever phenomenal for the number or celebrity of its killings. Dodge City and the Virginia City of Montana did better in both respects, but there was a certain lack of public support for the sport. Dodge City once actually hired Wild Bill to discourage it, and within a little more than a year of its founding Virginia City's Vigilantes had made the place safe for tenderfeet. Deadwood, on the contrary, viewed bloodshed tolerantly, humorously, sometimes punitively, but on the whole with a steady admiration. It feasted, as the local press files show, on the sanguinary details of each murder: on how the brains were distributed and how far the doctor had to probe. It delighted in the comic by-play which often accompanied homicide. In this department, in fact, it began with the Wild Bill killing.

One Captain Massie, who had had a

slight disagreement with Bill, was sitting opposite him in the fatal poker game. When the McCall battery went off, he felt a painful thud on his wrist. Actually it was the bullet which had passed through the Hickock cerebellum, and it hit him with the approximate force of a harshly hurled pebble. But this Massie was a man of romantic imagination. Without observing Mr. Hickock's now permanently harmless posture he leaped from his chair to rush through the room howling, "Wild Bill shot me!" It was never possible for public opinion to accept him as anything but a clownish character afterward.

Fed up soon on the common or public street variety of murders over gambling arguments and mining claim disputes, the town developed a relish for the unusual in butchery which would do credit to a convention of detective story writers. Above all, it cherished evil done in the name of the erotic motive, which its massed masculinity insisted upon regarding as the most humorous of passions. For example, there was the case of Ed Shaunessy. In the lee of the footlights at the McDaniels Theatre in Cheyenne, Ed had discovered that no woman on earth was so desirable as Fanny Garrettson, an eminent singer and dancer of the time. Consequently, when Fanny came to Deadwood in 1876 to appear at the Belle Union, he soon followed. He arrived in October, but unfortunately not in time to forestall Banjo Dick Brown, another talented entertainer, from marrying her on the public stage to the accompaniment of free drinks all 'round for a record audience. When he did appear, he had the humiliating experience of being ushered down to a front seat just in time to see Mr. and Mrs. Brown come on for a joint act with a quite unnecessary amount of embracing in it. At the first clinch, Mr. Shaunessy's disposition visibly blackened. At the second or third he lifted his prospector's ax—the prosecution later insisted it was only a bundle of letters, but Mr. Brown's defense produced the ax—and hurled it at the happy couple.

Banjo Dick had made the error of coming on the stage gunless, but it was easily repaired. He dashed into the wings, extracted a loaded revolver from his street pants, came back to find Mr. Shaunessy still blighting the cheerfulness of the bald-head row, and shot him three times without hitting a single other member of the audience. Shaunessy died that night. But Deadwood's antic spirit so relished the slapstick wit of an actor stepping so flamboyantly out of character that when Banjo Dick was tried nine months later it acquitted him on the rational plea that he had done it "on the spur of the moment."

Common or original, lurid or lackadaisical, Deadwood cherished and protected its killers with singular affection. It did not annoy them with petty restrictions, but gave them royal privileges at the jail, speedy trials, and almost invariable acquittals. To be sure, on March 16, 1878, the *Deadwood Times* complained mildly that there had been eighteen homicides since the previous April 7, and only one conviction—a proportion, to a population of 10,000, which would allow modern Chicago a total of 6,000 murders a year! But the *Times*, in 1878, was temporarily at outs with the sheriff's office. A few months before, when this record was being animatedly established, but while its own candidate, the much press-agented Seth Bullock, was still in office, it had announced that persons calling Deadwood murderous were "unworthy of the name of men, but vile slanderers."

Deadwood, it appears, enjoyed being dangerous fully as much as Herrin, Ill. in later years. Its Vigilance organizations treated killings as a form of glorified horseplay, and concerned themselves only with such genuinely troublesome types of human rattlesnakes as horse-thieves, stage robbers and cattle rustlers. The eighteen-per-eleven-months record was maintained with admirable consistency, but the town did not celebrate its first legal hanging until 1882, and then it preserved the

rope as a notable rarity. Meanwhile, its first citizens enthusiastically collected mementoes of its heroes for exhibition in the front parlor: the guns they shot with, the bullets that were so obliging as to pass through them, the boots they died in. Lame Johnny Hurley's grave was robbed for his cowboy's high heels and the shackles he swung in after he had been so unfortunate as to encounter Vigilantes who objected to mail robbery. Photographs of a neatly turned corpse were not infrequently worth their weight in gold dust.

Even when the crime was the scandalous one of killing a woman, the press and the public were quick to recognize the killer's essential nobility. "We noticed," the *Times* reported, in a touching tribute to the perfect breeding of Martin Couck, Esq., as he was sentenced for life in 1880 for the murder of his mistress, "how carefully with his hand he gathered his long flowing beard and turned it to one side to spit in the spittoon."

IV

But the violence of Deadwood was not exclusively associated with sudden death. The town faced all the unholy sights, sounds and smells of its boisterous years with the swagger of a tough adolescent who boasts that "nothing makes me sick."

A fact often overlooked by romantic researchers is that the region wherein all men were he was also in its prime a place where men lived filthily. Hence Deadwood, which according to the testimony of a contemporary observer, looked like a collection of decaying lemon boxes in a dark alley, greeted the visitor with a concatenation of smells. New residents camped in the principal streets until they constituted a traffic problem, scattering their garbage and camp litter on the sucking gulch winds. Slaughter-houses operating within the city limits at the violent pressure demanded by the meat-gluttonous miners flaunted their best on every Summer zephyr. Because of the narrowness of

the gulch flats, the crowds were unnaturally thick. They were also unnaturally unwashed and freighted horribly with the local muck and liquors. Bull trains and the *caballadas* of prospecting parties stood picketed day-long and night-long in the soupy streets, and contributed their delicate essences to the July midday.

The local press raged piously against the stench, but evidently in vain, since it kept on raging for years. As a matter of fact, all but the most effeminate burghers appeared proud of their olfactory tolerance. When a Pilgrim protested, it was considered a pleasant joke to tell him that he could get away from it by going down among the punk sticks in Chinatown. Arrived, besides the punk sticks, he found an Asiatic habit "of gathering the intestines of freshly slaughtered animals, carrying the nasty mess home, and scattering the offal promiscuously over the neighborhood"—a custom which made the visitor "curse his Maker for having been born with a nose." Nevertheless, this excursion was often seriously recommended as a means of making the stench of Nordic Deadwood seem relatively ambrosial.

Even in its sentimentalities and amusements the community seems to have had almost a fixation on carrion. It was continually digging up the victims of killers, Indians, typhoid, delirium tremens and the various gulch fevers, months after burial, and carrying them, without any professional mortician's assistance, over the sweltering Summer plains to Cheyenne or Sidney for shipment on the Union Pacific to sorrowing relatives. In the month Wild Bill was killed, a Mexican rode into town brandishing the head of a slaughtered Sioux which he had hacked off. A patriotic saloon-keeper hastily bought it, and exhibited it to milling throngs until long after it had, as a local memoirist described it to me, "more than soured." Again, when Boone May, a guard on the old Cheyenne-Deadwood treasure coach, popular for his spectacular ferocities, cut off the head of Frank Towle, the road-agent,

and took it in a gunny-sack to Cheyenne to claim a reward, the town esteemed his taste in atrocity as much as his valor. It regarded him as inhumanly victimized when he was told that the reward for Towle's carcass had been withdrawn.

This zest for the macabre survives even today among the town's original sophisticates. Last June an old-timer told me with pride how he had helped in 1878 to transfer Wild Bill's remains from Ingleside to Mount Moriah Cemetery. His manner achieved positive exaltation when he described how they had removed the lid from the coffin, and he had poked his cane into Mr. Hickock's cheek to test how hard it was. It was hard, indeed, and hence the legend that Wild Bill, as became a cow-town and mining gulch Hector, had petrified in death. But my informant was convinced by his experiment that the cheek had some give to it, if only a little, and so he belongs to the anti-petrification group. This fact, he says, has brought on hard feelings from time to time between him and the more romantic local historians.

So the agreeable fantasia wore itself on. Whatever was violent, whatever was flamboyant, whatever was grotesque or carried a stench above the gulch's high evening shadow line, Deadwood was prepared to enjoy. Within the first year, the plains freighting contractors had invested hundreds of thousands in bull-trains scheduled like railroad trains, and in the cannon-ball stages that hurtled over the plains to Cheyenne and Sidney almost as fast as second-hand Fords. Thus while the Sioux were still being doubtfully stood off by the cavalry, the stage lines became the scene of the most violent road-agent activity known since the Plummer gang flourished in Montana.

Luke Voorhees in Cheyenne devised a treasure coach of armor plate carrying a safe that was warranted to keep the robbers busy twenty-four hours, even if they captured it. The best shooting blood of Wyoming and the Black Hills went into the guard business. A road-agent was often

shot to glory in the first fusillade, and now and then a captured bandit such as Lame Johnny Hurley was taken from the officers and hanged by a Vigilance Committee to settle some old private score. But escapes after capture were frequent and compromising, and when it got a road-agent in its clutches to try him, Deadwood was usually happy in turning him loose or in voting him the mildest possible penalty. The bandit haunts were well known, and their information service was constantly busy in town, looking for tips on gold shipments. Yet not once was a concerted effort made to exterminate the outfits, as the Montana Vigilantes had efficiently done within two years after the first settlement. The Deadwood hold-ups went on safely but flamboyantly until well along in the '80's. Under the curious hypnosis of its tough name, the town seemed to relish the celebrity that came of being the last place in the West wild enough to put up with such nuisances.

Similarly, it made the most of its rowdy and pornographic allurements. No fear of offended Presbyterians, no considerations of civic pride and propriety restrained its contemporary chroniclers from photographic realism. A hair-pulling fight between two drunken *betara* over a free spender, the announcement that the girls were doing the cancan tonight at Nuttall's, the account of a dance-house endurance contest in which the rivals avoided exhaustion by removing the oppressive lingerie of the Lucy Webb Hayes period, was good news, in 1877. It was with actual signs of alarm for the effete state of the town that its press printed a communication from a charmer to the effect that "if there have been a lot of drunken prostitutes in Deadwood, then I for one am an exception, for I am not in the habit of getting in that condition, and no gentleman can say anything to the contrary, but that I always behave myself like a lady, even though a member of the *demi-monde*." When a newcomer, searching for a Bible to settle a bet, found one at last at Mattie

Shepherd's place, the editorial paragrapher of the *Times* was apologetic, and explained that if Mattie had only known there wasn't any Hell she wouldn't have had one.

Equally civic vanity rejoiced in the drunks. Whether they merely rolled unscathed down the 400 steps from the hillside residential district into the heart of the business section, or hung, jackknifed but unconscious, in the July sun or January blizzards, over the hitching rails along Main Street, it found them charming and symbolic of the local freedom of life. When one of them lived dangerously, like the youth who in the course of a memorable evening in February, 1877, "licked a fighter twice his size, got half his moustache pulled out by the roots, broke his finger and swallowed half an ounce of gold retort," public sentiment, far from outraged, felt indulgently that he had conferred luster on the community.

Such an Arcady naturally resented any reflections, direct or implied, on its drinking habits. The second Summer, when a logger, coming in overheated from his labors on one of the local precipices, died of drinking ice water in a saloon, his obituary did not snivel over him as an industrial tragedy. It merely reminded his heirs that no sensible man had been known to die of drinking three fingers of whiskey. From this viewpoint it savagely goaded a group of "nice" young men, betrayed by moral superciliousness early in 1878 into forming a temperance society. A few days later, when some of the members discovered the truth of the old Western proverb that since Noah's time water had tasted of drowned sinners, the town flapped its journalistic wings over the backsliders.

Even in civic afflictions, the bibulous interest was never neglected. The great fire of September 26, 1879, laid low the entire central business district. But in the newspaper accounts room was found to mention half a dozen saloons as "among the first" to sweep away the ashes and reopen under canvas, and to praise the supreme resourcefulness of the bartender who, after giving

away his entire stock to faithful customers six jumps ahead of the flames, was on hand next morning with enough liquors imported from nearby suburban resorts to mix any known drink on demand. So easily, in fact, were its alcoholic sympathies engaged, that once it was tender with a horse thief. He stole the animal, by plausible confession, simply in order to get in jail long enough to cure a case of jim-jams. There was no lynching, the charges were not pressed, the animal was recovered, and the patient was released on the first day his health seemed measurably restored.

"They come," vaunted the *Deadwood Times* of the Spring of '78 immigration, "prepared for any crisis, war or famine, wine or women, armed with gun, pistol, bowie knife, shovel, pick and pan."

V

These were the citizens, this was the pageantry Deadwood liked. And it lasted longer than might have been supposed. The transcontinental railways built their main lines around the Black Hills to save grading, and left Deadwood in a backwash, not fully exposed to civilizing influences until the motor tourist age. By that time, the gulch had given up its pay dirt and the town was too poor, shabby and broken-spirited to catch up. So late as the first year of Volstead it sheltered a few provincially minded ancients who could not understand, after the Dodge City days, how Kansas could have ever gone Prohibition, or why the late Col. Roosevelt should have brought a libel suit just because a newspaper charged him with getting drunk.

Today a scanty 2500 amble aimlessly about the flagstone sidewalks where once the muck seethed to the cavortings of 10,000. One plunges downgrade into its dinginess under lowering Black Hills thunder clouds, and with its narrow elongation, its roaring muddy stream, its neglected store fronts of the Garfield and

Arthur period and its two or three early McKinley grandiosities, the place might be a tableau of premature architectural senility. Or, barring the lack of an Eighteenth Century steeple, it might be a New England mill-town that had been running on half time since the panic of 1893.

It gives the air of being neither up and coming in the Rotarian manner, nor wide open and proud of it like Reno—and this, not through conviction, but through lack of the means and the energy to be either. It fritters away its emotional life on silly prides, tepidly boasting that the Homestakes mines up the hill at Lead City produced the kale to start the Hearst newspapers and that it was the first town to erect a public memorial to Roosevelt. It wonders vaguely if its annual Days of '76 pageant won't get it some favorable mention in some metropolitan newspaper, or whether Dick Clark, amiable ex-police officer of the '80's, resurrected as Deadwood Dick, isn't about as useful at a State Odd Fellows' convention as a new Chamber of Commerce slogan. It asks the outlander pathetically if, now that Calvin I has held

the imperial Summer court fifty miles away in Custer Park, it may not make a future as a resort center by perching a Summer hotel on a nearby mountain and calling it Cool-Ledge Inn.

One night last June, when the town's leading bootlegger had just been convicted, it was my privilege to listen to a sodality of local rounders bawl out the juryman on whom they had pinned hopes of some feeble gesture of nullification. Aw hell, the unfortunate protested, the bootlegger was guilty and everybody knew it. All he could do was to get a hung jury, and besides he had to get home early to help his wife out with the new baby.

Did some allegorical old-timer with bleary eyes and prospector's whiskers neigh out a bitter "Hya, hya, hya, tell that to the marines!", and stamp off sneering the last barbaric yawp in the two Dakotas? . . . On the contrary, the self-admitted best drinking group of Deadwood the Dreadful looked at each other sympathetically, and murmured: "Yeah, that's right! The wife and kids always gotta come first."

CHURCHES IN THE MORONIC MODE

BY F. R. WEBBER

A MORON, so they say, is a person whose brain slowed down before he reached the age of twelve. His mental processes are those of a child. He is ruled by sentiment, by prejudice, by old sayings, and by things. He does exactly what he sees other morons doing, and never stops to inquire whether there is a good reason for his actions.

Young morons of the more attractive and enterprising sex are often quite charming in appearance, though sluggish in their cerebral processes. Such a moron daubs her face with rouge the color of a two-cent stamp, because she sees other morons similarly adorned. Her lips are thick with paint that matches a Woolworth sign, and she smears herself by night with scented mud. She likes jazz, and cross-eyed movie clowns, and the funny papers, and the descriptions in the Hearst press of murder trials, and pictures of herself in a bathing suit, and cross-word puzzles, and sweaters of about the same shade as a new fire wagon. She reads the movie magazines and pictures her own china-doll face upon the screen. She likes all these things, but it would be impossible for her to tell you why she likes them.

Older morons are equally in bondage to the moronic social mind. They have their hair singed because somebody has told them that each hair is like a minute rubber-hose, and that unless the ends are sealed after cutting, by the singeing process, the sap will run out and weaken them. They rub ointments into their skins, imagining that each pore is a small hole through which salves and ointments may be introduced into the blood stream. They

dread to see children attain the age of two, for they have been told that the second year is the hardest. They fear Friday, and will not sleep in lower 13, nor walk under a ladder, nor listen to the howling of a dog after midnight in the dark of the moon.

In the building of the parish churches of this great Christian land, moronic ideas hold tyrannical sway. The average building committee, subject as it is to the moronic social mind, is dominated by what its members have "been told," rather than by anything plausibly describable as rational thinking. The most nonsensical precedents are followed simply because they are precedents. No building committee is able to appreciate anything with which it has not been long familiar. If the old church had huge windows because it was built within three feet of a butter-tray factory, the new church must have huge windows too, even though the nearest building is 300 feet away.

Such slavery to the moronic social mind is characteristic of the overwhelming majority of American church trustees and building committees. A parallel case may be found in the design of the American street car. The men who designed the first street cars were men who had designed omnibus bodies. Now, an omnibus has high wheels—so high that they reach almost to the window sills. To keep such wheels no more than the standard distance apart, it was necessary that the omnibus body curve inward under the window sills. Street cars, on the contrary, have low wheels which are entirely under the floor of the car,—but these concave sides persisted for years. Many a village traction

company will not accept a car, even today, that does not have concave sides.

For exactly the same way the art and mystery of church building, as it is practiced in the United States, is largely a matter of imitating the past. Is the new church very wide and very short? Then it is only because the old church which it replaces was built on a shallow lot. Its successor may stand on a plot of ground 250 feet square, but the short, wide plan is followed.

Some years ago a fine Presbyterian church was built in the apartment house section of New York. The architect knew that a twenty-story building was soon to be erected on the adjoining property, so he made his clerestory windows very large, and his aisles extremely low. To gain the maximum window area, the aisle arches were made segmental instead of pointed. Now, in a dozen other churches in as many different places, this design has been slavishly copied by obscure architects and sluggish-brained building committees—regardless of the fact that the nearest tall building is 200 miles or more away!

The Middle Western States are full of strange churches whose towers are pushed back into the naves to the extent of half their area. Literally thousands of such hunchbacked atrocities exist, and new ones appear every year. Why? Many years ago an architect of the rubber-collar and two-shaves-a-week type designed a church for a parish, the location of which I do not recall. He made a blunder, or else the canny trustees sold a strip of ground to a neighbor. At any rate, the blue-prints showed a church just sixteen feet too long for the lot. To remedy matters, the twelve by twelve Victorian Gothic tower was pushed back six feet into the nave, and the chancel was made very shallow. The finished church looked as if it had gone through a head-on collision and suffered at both ends. But soon this stupid, telescoped design was imitated far and wide, without the slightest thought as to the depth of the lot! In fact, many a Middle Western congregation

reached such a state of mind that anything but a stove-in tower struck it as heresy. One may see thousands of such turtle-like churches today, often standing upon an acre or more of land!

The corner-tower fad, now raging everywhere, is another product of lazy mental processes. An architect designed a church of that sort years ago, to fit a peculiar local condition. The side street made a sharp bend just opposite the church, and it was found that a corner tower would result in a striking architectural feature which could be seen for a mile down the avenue. This church was seen and admired—and instantly a bumper crop of churches with corner towers appeared, usually in places where there was no diagonal street!

II

A decade ago, a famous church architect built a most excellent basilica in Cleveland. In order to create a striking architectural feature to command an avenue that swung slightly to the left a block or so away, the tower was erected back of one of the transepts. As one approaches the church from the east, this lofty tower seems to stand in the middle of the street. Now the feature has been copied wholesale on building sites where there isn't the slightest reason for it. It's a mere matter of imitating without thinking, and on a par with the act of the flapper who applies a thick coat of make-up before going to work, in imitation of some movie actress whose heavy paint is justified by the strong lights of the studio.

A building committee in a large city somewhat east of the Soy Bean Belt insisted upon a church with a deep, projecting vestibule. There is no possible objection to such a vestibule, if the design permits it. But they insisted also upon a transom over the vestibule doorway, and in the transom twenty or more square feet of glass. They had seen such a transom over a door set flush in the wall, and decided that they must have one also, even though their ten

by twelve vestibule had two side windows with a combined glass area of thirty square feet.

This craze for too much glass is one of the points upon which nearly all American church building committees are in complete harmony. They may fight over almost every other point, but every one of them agrees that its church must have about four times as much window area as it really needs.

Good design calls for a decided preponderance of unbroken wall surface over window area. In the finest churches of early medieval days, the windows were very small and the wall space very large. The result was a feeling of security that our American churches seldom possess, and a quiet, away-from-the-world spirit within. But our American building committees, like the dying German poet, must have light and yet more light, until many an American church of today looks like a Fifth avenue bus—two huge rows of windows with very little between. In vain do architects argue that light strikes downward at an angle, and that small windows, well overhead, are more effective than large windows with sills so low that the devout worshippers may watch the license tags on every automobile that passes.

The building committees do the wrong thing almost as instinctively as a sexton uses bad English. They insist upon placing buttresses where there is no structural reason for them, and pare down their clerestory walls to cigar-box thinness in order to pay for the buttresses. They decide upon steel roof-trusses on the theory that one hundred dollars is saved by so doing, and then keep six carpenters busy for five weeks encasing those trusses in seven-eighths inch pitch pine, in order to make them look like honest timbers. They support their low-pitched roof with steel trusses of ordinary bridge design, and then go to great expense to suspend an elaborate set of hollow hammer-beam trusses under them, in order to imitate Henry VII's chapel, or something else that some Students' Tour tripper has admired.

The art editor of a leading Cleveland newspaper called me up one day and desired a few words of appreciation in regard to two local churches which are equipped with a complete array of flying buttresses. In vain did I protest that these flying buttresses were mere stage carpentry—that true flying buttresses presupposed a heavy stone vault, and a logical system of live loads and balanced thrusts, such as one may find at Reims and Amiens. A flying buttress system, attached to a church with a light wooden ceiling, is about as logical structurally as a feather-weight cripple trying to support himself with a pair of crutches made of bridge timbers. But art editors and Summer vacationists adore flying buttresses, and become incoherent in their tumble of superlatives as they describe the poetic sweep of stone, flung far out over the aisle roofs from nave wall to buttress. They forget that there should be logic back of them, and that no medieval builder would think of doing such things without good reason, and that in this particular case the reason was the need of taking up and grounding the terrific outward thrusts of heavy stone vaults.

The long, steep flight of entrance steps which old ladies and fat men are commonly compelled to climb when they approach the sacred precincts offers another evidence of moronic thinking. What is the sense of climbing up fifteen steps into a church, and then turning to the right, and climbing down seventeen steps into the basement? Large basement windows are the cause of most of these useless entrance steps. Most building committees and rural architects hoist the main floor of a church seven feet above grade in order to gain a fine row of basement windows, each one of which is three feet wide and six feet high. They forget that a window six feet wide and three feet high lets in just as much light as a window three wide and six feet high. The former requires seven entrance steps; the latter fourteen or fifteen.

If the architect suggests dropping the basement windows entirely out of sight in

light wells, as is done in all residential and commercial buildings of the better sort, the church building committee at once becomes panicky with horror. Light areas? Why, newspapers will blow into them, snow will collect there, and bad boys will jump into them playing hide and seek! Never! So they cause the old ladies and wheezy gentlemen to toil up the steep ascent every Sunday, rather than ask the sexton to remove a few papers half a dozen times a year.

Almost any kind of argument satisfies the average building committee or parish meeting, so long as it is foolish, and does not rise beyond the grasp of a twelve-year-old brain. A large church was being built out in Indiana. I was asked to give an opinion thereon. I found a church with the traditional exterior features, such as a long nave, deep transepts and a deep chancel. But to my amazement, the inside didn't fit the outside. Upon entering what seemed to be the front door, I found myself face to face with 450 worshipers! The altar was at the wrong end of the church. I entered by means of a corner vestibule, and found myself standing beside the pulpit!

Upon inquiring the reason for this extraordinary arrangement, I was told that some clever person had suggested it on the ground that, at funerals, the casket could be carried before the altar without having to truck it all the way down the center aisle. For the sake of four funerals a year, they turned the inside of their church wrong end to.

III

In another Indiana town there is a church whose floor slopes upward toward the altar. Upon going to one's pew, one has the pleasant sensation of ascending the gang-plank of an Atlantic liner. A pastor who described the church to me explained why this was done. Once a year, on Saturday in Holy Week, the Ladies' Aid Society met and scrubbed the church floor for Easter. Often the floor was not entirely dry by Easter Day. When the new church was

built, somebody suggested a floor that sloped toward the main entrance, in order that the water might run out immediately and trickle into the street. When I asked why they didn't scrub the church on Saturday morning instead of Saturday afternoon, I was told that they never thought of that!

A sloping floor indicates a lack of thought, regardless of the direction of its slope. A few years ago a certain congregation was stirred to a pitch of excitement that suggested an impending air raid, and all because of a sloping floor. In this case it was the old-fashioned, idiotic floor that slopes toward the altar. They had such a floor in their old church, and some of the people wanted one like it in the new one. A referee was called in from afar, and asked to adjudicate matters. When everybody had stated his argument, the referee called for a steel tape, a stout cord and a level. The cord was stretched the length of the old church and carefully leveled. The pews were found to be 33 inches apart, and careful measurements showed that the sloping floor gave each person an advantage of just seven-sixteenths of an inch over the person ahead of him.

The question was raised: Why ruin the architectural lines of the new church for the sake of a mere seven-sixteenths of one inch? Why tilt five hundred people, when it is simpler to elevate the clergyman a step or two, and yet get the same effect? Why go *down* to the altar of the Lord? Do we place a public speaker in a depression, in order to see him more clearly? Must we dig a ravine, in order that we may range ourselves along its sides, or is it simpler and saner to ask the speaker to mount a slight elevation?

These arguments convinced a majority of the committee, but the village blacksmith still roared his disapproval, and the proprietor of the Sugar Bowl Sweet Shoppe assured his colleagues that any fool could see that a sloping floor was the only logical thing—because the old church always had a sloping floor.

The most trivial reasons will win an un-

thinking committee. It reminds one of the small boy who detested rolled oats. One morning he demanded to know just why he should eat rolled oats. He was told that oatmeal makes small boys grow up to be very large, fat men. That satisfied him. He ate his porridge without a murmur, for his eight-year-old mind never stopped to consider whether it was desirable to be a very large, fat man. He had received an answer, and he was content. Almost any kind of an answer will satisfy an eight-year-old mind.

The parish meeting that insists by unanimous resolution upon having a false ceiling suspended ten feet below the true ceiling, is led to do so because somebody has assured it that dead air acts as an insulator. The members do not think more than one jump ahead of them, or they would probably inquire just how little or how much dead air is a good thing. If a two-inch layer of dead air is a good insulator, they figure that a ten-foot layer is just sixty times as good, because ten feet is sixty times two inches.

Such worthy people swelter in Summer, and stick to their varnished pews. In Winter the sexton heaves coal all night, and has trouble in getting the church comfortable by half after ten. Had the dear folks placed an ordinary thermometer between the false ceiling and the roof, they would have discovered that a layer of dead air ten feet thick, under a slate roof, causes the mercury to rise to 120 degrees in Summer, and stay there. That huge pocket of air, heated to 120 degrees, acts as a great radiator. But when Winter comes it is as cold as the outside air, and must be thawed out slowly before the church below will get warm. But try to convince any parish that is accustomed to a false ceiling! All arguments about dead air pockets, and dust streaks on the plaster, and stains from leaky roofs, and the cost of decorating plastered ceilings fall on plugged ears. The old church had a false ceiling, and the new one must have one too, regardless of these new-fangled ceilings of V-jointed planks and exposed roof timbers!

It is difficult to get church committees away from the idea of substitutes. Imitations, shams, false structural devices and make-believe methods are so familiar to them from long acquaintance that it is usually a waste of words to try to make them see the beauty of truthful building. They will insist upon pillars of lath and plaster, and spend enough money trying to make them look like stone to have bought real stone from the start. They will make pinnacles and crockets of galvanized iron, and erect scaffolds every three years in order to keep their hollow ornaments painted to look like genuine stone.

Such congregations will scoff at a Roman Catholic parish which buys a hollow, plaster image of Our Lady, paints her a vivid blue, dips her in glue and then sprinkles her with sugar to make her sparkle when the flood light is turned on. But the scoffers will turn away from this tender scene and go home to their Protestant, 100% American church, and place imitation flowers on the altar, or elaborate wood carvings around the top of their pulpit, made of sawdust and glue. In the matter of sham devices, there is no difference between Jew and Greek, or Protestant and Catholic.

A puzzling thing about many building committees is their horse-jockeying attitude toward their architect, and toward every craftsman. A seating man pointed to a magnificent new church not long ago and said bitterly, "Every man that touched that job lost a lot of money." It was true. They persuaded their architect to do the work for less than the actual cost of his overhead, and then made him donate a memorial window beside. Their glass man had to turn to doing plain rectangles for residences, in order to make up his deficit. Their organ man lost money, their wood carver was called in again and again to make changes, and the verdict of everybody was that they were good buyers.

Men who are painfully honest in their private business will often stoop to the meanest tricks if the church profits finan-

cially thereby. One of their favorite devices is that of demanding free colored sketches from everybody, at the sketcher's expense, and then awarding every contract solely on the ground of price competition. They forget that an architect must pay professional colorists for his water-color sketches, and that a sketch of a memorial window often eats up all of the glass man's profit. Such demands for free sketches are one of the terrors of the church architect's and craftsman's lives.

Sketches mean little, even at best, unless there is a committee composed of trained designers to judge them. A church that looks fine on paper often looks entirely different when erected on a prosaic street corner, especially if the bids have run high, and the architect is ordered to revise the daylight's out of his design. In the case of a window, a water-color sketch is almost useless, for it is attempting the impossible. Even the most clever painter cannot make opaque pigments, on opaque paper, look like light filtering through stained glass. Chartres Cathedral always shelters three or four men, trying in vain, day after day, to record on canvas an inkling of the magic of her windows. It has never been done, and it never can be done.

The habit of many church building committees of refusing to pay for things which they cannot use has caused many an architect to sneak down the back street, lest he meet his creditors face to face. A well-known church architect stated a few days ago that a Methodist congregation in a small town had asked his firm to prepare plans for an elaborate new church. The bids ran high, and the plans were returned. The congregation refused to pay for them on the ground that it was unable to use them. The architect was a thousand or two dollars poorer, but charged it up to profit and loss rather than go into court and gain a bad reputation.

Some months later a Middle Western paper came out with the identical design, credited to a cheap local firm of architects! The congregation in question had kept the

drawings long enough to have a copy made of them. It then built a church after the same design, but with plaster arches and columns, cut stone made of roofing tin, and shams and substitutes everywhere!

Such church trustees are not, perhaps, intentionally dishonest. They are simply the victims of childish reasoning. If the butcher sends a porterhouse steak when they ordered lamb chops, they simply return the steak and ask to have it taken from their bill. If an architect mails them plans for a \$500,000 church, when they expected to have all their wants carried out for \$300,000, they return the drawings and ask to have the account against them cancelled. They do not stop to think that the butcher cut the steak in three minutes, and can easily sell it again, whereas the architect had to pay draughtsmen and designers for three months or more, and probably has three or four thousand dollars of his own invested in a set of drawings that he cannot sell again, except by the rarest good fortune.

IV

The fault is by no means confined to the church committees. Many an American architect well deserves all he gets. We have many good, honest, conscientious architects—men of thorough training. But it is only too true that the country was victimized for years by a horde of adventurers who posed as experts in ecclesiastical design, but who were nothing more than third-rate carpenters. Such men, in the days when State licenses, examinations, and the ethical code of the American Institute of Architects were not in force, were allowed to grow fat and bibulous at the expense of honest Christians. As a concrete example, let me relate the case of a man whom I will call Jerry Steppenfetter.

Jerry was a poor excuse for a carpenter, but one day fortune smiled upon him. He was handed a large roll of blueprints, and asked to give figures. It was a lowest-bid proposition, and Jerry got the job. He

built the church, and was allowed to keep the drawings. He bought a drawing board, a set of cheap draughting instruments, and a bottle of Higgins' ink. He reproduced the drawings, working out schemes of several different sizes by the simple process of either lengthening or shortening the church.

Other churches came his way, and he was usually the low man. He became prosperous enough to work out a set of twenty floor-plans and pen-and-ink renderings, and to have zinc etchings made of them. He issued a small paper-bound booklet, showing his twenty different schemes. Several half-tone pictures of his completed churches also appeared. In the back of the book were a number of page advertisements of pews, steel ceilings, patent rolling partitions, and stained glass substitutes of one kind or another.

Soon Jerry was inserting paid advertisements in the denominational papers, in which he styled himself a "Specialist in Ecclesiastical Architecture. Catalogue Free to the Reverend Clergy." The rev. clergy often availed themselves of his offer. It simplified the task of building churches, for a post card brought his catalogue of stock designs, and ten dollars brought a set of blue-prints and mimeographed specifications.

There were many Jerry Steppenfetzers thirty years ago, and many booklets of stock plans in circulation. It was men such as Jerry who made it possible for church building committees to think that if a set of drawings was not suitable, or cost too much, they might be sent back and payment refused. All Jerry needed to do was to sell them to somebody else!

Nowadays most States have abolished such untrained architects by law, requiring State examinations and State licenses. Jeremiah and his ilk have gone the way of the self-trained doctor and the lawyer whose only claim to the name lay in the fact that he had bought a few second-hand law books at an auction sale and forsaken the delivery wagon for the office stool.

The mail-order architect is all but extinct, but the mail-order church furnisher is dying a harder death. Mr. Cram, Mr. Comes, and lately Mr. E. J. Weber have pointed out in picturesque language the hopelessness of expecting a committee of laymen to select an organ, or stained glass windows, or even an altar out of a catalogue of stock designs. They have argued that the architect ought to design everything that goes into a church, and that such things ought to be made by true craftsmen, selected upon the basis of their past performance. Nevertheless, many a committee still sends for the catalogues. I believe that the catalogue men themselves would be glad to go out of the mail-order business, if only parishes might be educated to the point of insisting upon nothing except that which is designed especially to suit their needs.

The churches of America are improving. They are less moronic than they were thirty years ago. The horrible old Akron Plan, with the pulpit down in one corner, a huge guillotine door, and an adjoining "Sabbath-school unit" that looked like a railway roundhouse, has gone the way of the horse and surrey, and bustles, and big sleeves. The crying-baby room just inside the main doorway, taking up \$12,500 worth of seating space, has been located elsewhere, or perhaps the modern baby does not cry. The unspeakably vulgar habit, a generation ago, of locating the toilet rooms just inside the main entrance to the church, with conspicuous signs in bad English, would shock even the most hard-boiled committee today. The old, bare, bleak, hideous church, with its sloping floor, curving pews, square plan, four huge windows, and blue skylight overhead, is no more.

Today the pendulum has swung far to the other extreme. Soaring columns, high-springing vaults, a wealth of carved detail, color and gold, good carvings, rows of canopied niches filled with wicked graven images, vested clergymen, vested choirs, and the reverberation of Gregorian chants

may be found in almost any of the more fashionable churches of the two hundred denominations that flourish in America.

In a stylish Presbyterian church they have vespers, and a robed choir sings Gregorian chants antiphonally. Prayers are actually read out of a book. In the same city, a new Baptist temple is splendid externally with a most astonishing display of medieval symbolism, all lit up in most gorgeous color and gold. Only a few miles away a Methodist meeting-house is slowly rearing itself, far out in an exclusive residential section of the Heights. Its interior recalls St. Maclou of Rouen.

Other Protestant churches have come to the front with narthexes, parclose screens, ambulatories, piscinas, muniment rooms, crypts, transeptal chapels and even Lady Chapels! The red flicker of the sanctuary lamp is no longer confined to Roman Catholic and high Episcopal churches, with perhaps three or four sporadic Lutheran examples. Eager building committees of other denominations have been known to ask whether there can be any objection to

a sanctuary lamp, if it is understood to be strictly artistic, and not a symbol of the Real Presence. A Pittsburgh Baptist church already has the Seven Lamps before the Throne of God, and an octagon pulpit, each side of which contains carved figures set in canopied niches.

All these things, condemned by the Calvinists of a generation ago as bold, bad, benighted Romanism, are quite the fashion today. Ornamental devices that give a hint of the Stations of the Cross are coming in, and even the most rabid enemy of the sacramental system does not object nowadays to the artistic outward expressions of the Sacraments. I have seen true altars in Methodist churches, altar crosses in Congregational meeting-houses, and dossal curtains among the Unitarians.

Whether all this means that American Christians are learning to think, and that our churches are less moronic than they used to be, I cannot say. I am stating conditions as I have observed them. Only time will tell whether it is a movement or these things are mere fads of the hour.

FLAT TIRES ON THE FARM

BY W. G. CLUGSTON

NO CALLING in the United States today offers more attractive allurements to the young man with individualistic inclinations than farming. No business can be begun with less cash, or on a shorter shoe-string, and none brings a more profitable return in proportion to the brains, energy and industry put into it. No life offers greater opportunities for maintaining a semblance of independence while solving the bread-and-butter problem; in none other is it possible for so many individuals of ordinary abilities to escape the accelerated goose-step of this industrial era while fortifying themselves against old age. There is no pursuit that offers richer, greater or more certain rewards to the general run of human ciphers.

I make this statement with full knowledge of the fury it may provoke in the ranks of the professional agricultural up-lifters, and among the farm-bloc evangelists; I make it in the face of the fact that the farmers of the United States are still suffering from the post-war deflation inflicted upon them by the Federal Reserve Board. And I am ready to defend my views, even though it be proved that all other forms of industry bilk agriculture most gluttonously—even though it be demonstrated that the farmer is slim-flammed in every conceivable way by the merchant, the money-master, the market manipulator, the tariff trickster, and the political charlatan. I am willing to concede that a large percentage of the American farmers in practice today may eventually be forced into a state of peonage; nevertheless, I still insist that no calling offers more alluring attractions to the man who is willing to

work for what he gets in this world—and who has sufficient intelligence to discriminate between the luxuries of leisure and the lunacies of laziness.

As has always been the case, one of the main troubles with agriculture today is that it is too easy for a farmer to make a living. No skill and very little industry are required; intelligence is almost unnecessary. In consequence, the field is crowded, and there is heavy competition from incompetents. But the farmer of energy and ability, who wants the rewards that these qualities should bring him, can certainly get them just as easily as the man in the city—and under far more agreeable conditions. If, being his own boss, he succumbs to the ever-present temptation to let things go the easiest way, and, after a little yielding, loses the habit of hard work altogether, it is his own fault. Thereafter he degenerates into one more lazy, calamity-howling clod-hopper, surviving only through the grace of God and the bounty of Nature, or he gives up entirely and goes to a city, there to enter the ranks of the dinner-pail industrial slaves who are sweated by up-and-coming men until dumped at last upon the dole-lists of charity. But those farmers who know how to boss themselves, and use their heads as well as their hands, become the aristocrats of the land, acquiring broad acres, building comfortable homes, putting tenants to work for them, investing in bank stocks, and getting themselves elected to the State Legislatures.

If the industry of agriculture seems at a low ebb among us it is only because it is so easy for inefficient individuals to main-

tain themselves in it, and because there are so many morons on the farms who are able to go on even after they have made the most miserable and hopeless failures. Men who could not keep body and soul together running peanut-stands on the best business streets of the cities, men who could not make a living working for themselves in any other occupation, can go on indefinitely running their own farms, and Nature will always keep them from starving—and sometimes even make them prosperous. I do not mean to say, of course, that the farmers have no real grievances. The railroads probably do gouge them on freight rates, the packing houses do cheat them out of some of their livestock profits, and the grain market manipulators do juggle prices to their disadvantage. But I maintain that if the railroads, the packers, and the millers ran their affairs with as little intelligence and efficiency as are found on the average American farm, they would be in the hands of receivers before the second change of the moon after they started operations.

II

No other industry, managed in such a loose, lazy, haphazard way, could hope to survive; no other business, run with so little skill and science, would last through the first inventory. That agriculture is able to do so—that farmers continue to run their farms and make livings, despite all their complaints—is sufficient proof that they practice one of the easiest and best rewarded of callings. When they suffer it is not due to anything external to themselves; it is simply due to the fact that there is no paradise in this world where a man can win independence without a reasonable diligence and industry. Even the hen must go through the labor of laying an egg before she can enjoy the pleasure of cackling, and the pig that does not root rarely grunts with gusto.

Men follow the pursuit of farming for various reasons. Many do it because they were born and bred to it, and lack the

enterprise and courage to try anything else. More do it because they know, despite their caterwauling, that it is the easiest and most certain way of maintaining existence. But I believe that there is a fundamental trait, prominently developed in certain families and individuals, that makes yet others continue on the farm even when economic conditions make the life unattractive.

In our human family there is a type which cannot stand close contacts—cannot endure crowds, or close neighbors. Fear, dread, perhaps an inferiority complex, fill the individual of that type with feelings of uncomfortable insecurity except when he is alone, or in familiar surroundings. A large percentage of American farmers are of this sort. They are awkward and ill at ease whenever they are forced to mingle with strangers. Compelled to visit unfamiliar places, especially in cities, they are confused and embarrassed. These traits are usually attributed to the fact that they are farmers—rustics; but I think they are rustics because the traits are so pronounced in them—because the secluded rural life is the only one in which they can feel comfortable and contented. A man who is extremely self-conscious has his own standards of comfort and the endurable life: he is more happy in a hut on a rocky hillside in rural seclusion than he ever could be living in a mansion in a fashionable street of a big city.

In this desire to be free from the restraints that go with close contacts, millions deliberately keep themselves and their families apart from the so-called mobs of civilization. The same desire furnished much of the urge that brought about the first settlement of the United States—and the subsequent Western wanderings of the fathers. To be able to live their own lives in their own sweet or sour ways, millions in every age have foregone the luxuries of civilized life, and endured all the hardships and privations of an isolated and poorly remunerated existence. Millions are still doing so today.

Then, too, there is a large percentage

of the rural population which is hopelessly cut off from free intercourse by an overdevelopment of suspiciousness. The farmer in many cases is so constituted that he trusts nobody. I will not say that this is merely a reflection of his own lack of trustworthiness; but at any rate it isolates him, narrows his mind, sharpens his prejudices, and generally makes him an enemy of the established order of society. This class of farmers is held to the soil, not by any love of independence, but by a hatred of the forms of social intercourse. It is always seeking to condemn the city dwellers to its own dreary form of existence by harsh and meaningless prohibitions. To such men every stranger is an enemy, and every city man an agent of the Devil. The extreme to which this half-pathological class can go is best shown by the savageries to which it resorts when it is in control of the State Legislatures.

But whatever may be said about the farmer's inability to endure contact with other men, he is at least able to endure himself—to live with himself; and that is more than his average mental equal in the cities can do. Baseball games, movies, pool halls, picnics, poker games and lodge meetings are not, or in the past have not been, necessary to enable him to get through his interminable days and nights. That he occupies his leisure more intelligently than the city proletariat can hardly be maintained, but certainly he passes it in an atmosphere more adaptable to intelligent uses. A shallow mind probably cannot think any better in one place than in another, and a blind eye certainly cannot see more beauty in an elm tree than an art gallery. But I often fancy that we must have more faculties than our five senses for absorbing the essence of our surroundings. Perhaps we have ways of receiving and storing up impressions that we do not know about—impressions which later come out in succeeding generations. Maybe this theory will help to explain why so many farmers' boys succeed when they do break away from their moorings and go into higher avocations.

III

But to get back to the economic ills of the farmer. They are due, in large measure, to his laziness, his incompetency, and his desire to enjoy luxuries that have not been honestly earned. The one-crop farmer is undoubtedly at the bottom of the row—and there are millions of farmers in the United States who have one-crop minds, and are incapable of practicing diversification in even its simplest forms. Laziness—the desire to loaf, the love of a depraved leisure—is chiefly responsible for the fact that almost every section of the country is given over to the production of one major crop, with a majority of the farmers refusing to attempt to grow anything else except children, dogs and grouches.

The one-crop evil in its simplest and most striking form is to be found in the big wheat-producing States of the Middle West—that section which has been yelling loudest for government aid for the poor and oppressed husbandman. Wheat is grown with as little labor as any product that comes out of the ground. The farmer sows it in the Fall, or early Spring, and no after-cultivation is necessary; there is nothing to do until the sunshine ripens the golden grain. The harvest lasts only a week or two, and as soon as it is over the farmer can haul his wheat to the nearest elevator and get his money. Then he loaf until the next planting period.

A wheat farmer does not have to work more than two or three months out of the entire year—many do very little more except for chores and tinkering. Yet they expect to live in as much luxury as the city laborer who works five and a half or six days a week every week in the year. And the political vote-harvesters tell them that they are entitled to do so! There is not a wheat farmer in any of the major wheat-producing States who could not become comfortably rich if he worked as hard and as steadily as the laborers in the factories and mills. Some are doing so, and making money, despite all the current bellowing.

The wheat farmer who has any business judgment at all devotes some of his leisure to the growing of other crops—fruits, berries, and row crops, such as corn, canes and sorghums—or to such sidelines as cattle, poultry and dairying. Any man who does this is practically certain of his living expenses, and when he gets a good wheat crop he is able to put money in the bank, buy more land, and engage in a money-spending spree.

But country town bankers in the Wheat Belt tell me that not more than one out of ten farmers systematically provides for his running expenses by such activities. The fact explains why there is so much hell-raising in Kansas, the biggest wheat-producing State in the Union. The Kansas wheat farmers have more leisure than they know what to do with, and when there is a short wheat crop that will not pay expenses, or a surplus that brings down the price, they go on frantic crusades, attacking the government, upsetting political régimes, and denouncing the wickedness of the cities. If they would maintain dairy herds, and other sidelines, as the farmers of certain other States have learned to do, they would not have so much time for cussing and crusading—and they would soon be prosperous beyond their fondest dreams.

The wheat farmers are not the only one-crop loafers. In the South cotton is just as much a curse to the majority. In Kentucky, and parts of Virginia, Tennessee and the Carolinas, it is tobacco; in Iowa and other places it is corn. But no crop affords the lazy loafer so much time for doing nothing as wheat, and in Kansas some of the farmers are actually becoming so lazy they are trying to cross their wheat with Buffalo grass to escape the labor of having to plant new seed every year! As evidence of this I offer the following news item from Senator Arthur Capper's *Topeka Daily Capital*, under date of July 3 last:

That wheat can be evolutionized has been fully demonstrated by Ernest Aldrich, a Downs, Kansas, man. He has been experimenting for some

times and has succeeded in crossing wheat with Buffalo grass, with the result that he has a plant now that is as sturdy as an oak. Not only that, but his new plant has just enough Buffalo grass in it that when the seed is once sown no other seed need be planted. After his crop has been cut and put away in the bin, or sold to the local elevator, the farmer can forget all about Fall plowing, and seeding and such like. In fact there is nothing for the farmer to do but spend his money and wait until the following year and go out and harvest his wheat.

Undoubtedly many Kansas farmers who do nothing but raise wheat, and think they are over-worked, will be eager to try this new wonder. If they are successful with it they will still consider themselves over-worked, and demand that the government produce for them a self-threshing variety.

IV

As everyone knows, a wide-spread discontent exists today among American farmers. I believe the chief cause is that they are developing appetites for luxuries that are in distressing conflict with their aptitude for laziness. Also, they are being brought closer to civilization's common customs, and this is not only robbing them of their old individuality and depriving them of their independence, but also upsetting their suspicious misgivings about strangers, and leaving them in a mood of chaos and unhappiness. The urge to keep up with the procession—with the more intelligent farmers who are farming successfully and with the prosperous, steady-working townspeople—is driving a vast majority, including all the incompetents, into plights that are truly distressing. They can't keep up by following their old methods, and they haven't the brains to adopt new ones; they know that something is wrong, and realize that they have not the ability to right it. The result is that they grow ugly and go into revolt, blaming everyone except themselves for their failures, which are entirely of their own making.

The automobile has done much to put the inferior sort of rustic in his present grouchy mood. It has carried him into deeper debt, and into the rapidly moving

stream of society; and it has brought him into activities he has hitherto tried to shun, and made him acquire tastes for costly new distractions. Likewise, the mail-order houses, the agricultural extension agents and the flivver-riding salesmen who now swarm in the country are making war upon his simple life and supplanting its drudgeries with costly modern conveniences.

The old-fashioned farmer and his family needed little from the marts of civilization. Some sugar, coffee, salt and gun-powder, a few yards of calico, jean and old hickory, and a little quinine and quid-makings constituted the family's yearly requirements. But nowadays many American farm-homes are furnished more luxuriously than the palaces of a century ago, and their pantries are better stocked. The problem is to make the farm pay the bills, and still allow the farmer to enjoy the luxury of laziness that was his in the good old days.

There is no end to the costly contrivances considered necessary in the present age; the farmers are reaching out for them—without at the same time earning enough to pay for them. From the most recent catalogues of standard mail-order houses I have taken the following cost prices of the cheapest grades of the most desired farm-house and barnyard luxuries:

Farm lighting system	\$195.00
Farm water system	63.95
Hot water tank	21.95
Kerosene water heater	22.95
Three-piece bath outfit	62.85
Power washing machine	49.95
Electric iron	3.47
Sewing machine	27.95
Milking machine	225.00
Cream separator	43.85
Ice box	16.00
Pipeless furnace	108.45
Four burner kerosene stove	31.85
Five-tube radio set, equipped	66.50
Total	\$939.72

This total of \$939.72 is certainly not a great amount in an age of free and easy money. But it must be remembered that many American farmers never have so much money in their pockets at one time, and

that if every farm-house in the land were equipped with the things I have listed—as it soon will be at the present rate of installation—the investment would be equal to more than half the reported value of all the farm-houses in the nation.

And this is only a part of the increased financial burden of the farmer. There is the maintenance of the above equipment, and then there is the initial cost and up-keep on an ever-increasing list of farming machinery. Every American farm that is really a farm must now have an automobile, and if it embraces many acres the farmer must also have a tractor, with gang plows and other appurtenances. These are essentials today—but they are also very costly. When the farmer worked mules, and drove mares to market—the mares that produced the mules—he raised what they ate, or they went hungry and showed their ribs. Now he has to buy the gasoline and oils that his automobiles and tractors eat up. In the big Western wheat country, if the farmer raises wheat on even a moderate scale, he must have a "combine"—a machine that cuts and threshes the wheat in one operation. If he lives in a corn country he must have corn binders, shreaders, power shellers, etc. Even tobacco is set out and cotton may be picked by machinery. Since I have labelled the wheat farmer the champion loafer, I'll try to enumerate the major items of his outlay:

Automobile	\$ 600.00
Tractor	900.00
Combine	2,200.00
Wheat drills	137.00
Wagons	118.00
Plows, etc.	49.50
Total	\$4,004.50

This outlay, added to the home equipment I have listed, means that the average wheat farmer must make an investment of nearly \$5,000 more than his father needed to operate his business—and his up-keep is many, many times greater beside. His land has increased in value and his taxes are higher. It is absolutely impossible for him to increase the yield per acre of his land

enough to take care of the increase in his living and operating expenses. In fact, under his haphazard, slipshod, slovenly methods, the yield per acre is becoming less and less every year in many sections. So it seems there is nothing else for him to do except work harder, more steadily, and more intelligently.

It is true that machinery makes a reduction in labor costs in such operations as harvesting wheat with combines, which enable one man to do the work of five under the old system, and which, according to the International Harvester Company, save as much as twenty cents a bushel under the best conditions. But much of this modern farm machinery merely saves labor—it does not save the *cost* of labor. For instance: the milking machines on small farms, where hired help is not used. Trucks enable the farmer to haul his products to market much more quickly than when he used wagons and teams, but he is not benefited if he does not use the saved time in some other way that is profitable.

V

No other industry of importance in the world today would be prosperous if it were operated in as slovenly a fashion as farming, and under the management of so many lazy, incompetent, brainless men. No business or professional man would enjoy half of the blessings that are demanded by the average farmer as his inalienable rights if he depended so much on Nature to provide them and so little on his own efforts.

Not only does the average American farmer spend most of his days killing time, ignoring science and scoffing at skill, but he is so suspicious of everybody that he won't even trust his fellow-farmers to the extent of joining them in forming cooperative organizations for marketing and purchasing. As a result, he is the one man in all American industry who goes into the market-place without having anything to say about prices, either of the merchandise he buys or of the commodities he produces

to sell. He never puts his trust in anyone save the political charlatans who get his votes by making him believe that the national government can cure all his ills, and who fool him with the buncombe that the rest of society is under a moral obligation to make his business profitable by subsidy and special privilege.

Nothing could be more disastrous to the farmer, or to the country as a whole, than for the government to grant such subsidies and privileges, and so make a class of lazy incompetents as prosperous as men who labor with industry and intelligence. Those farmers who have the mental capacity to think at all realize this. They declare that agriculture, as an industry, does not want or need favors of any kind; that all it desires is a square deal, and the assurance that no other group will be given special privileges.

The smart farmer knows that the day he sanctions special privileges to special groups he will merely be throwing another hunk of his own fat into the fire. Other groups are not only better organized and better equipped to get privileges from the government than the farmers with their present personnel and organization, but the competent farmers will be less able to cope with them than ever before if the wastrels and the weaklings, the shiftless and the slovenly in their ranks are maintained in a state of artificial prosperity.

Agriculture, like every other industry, and like every individual, must survive on the merits of its management—and it must suffer the consequences that follow the shortcomings of its practitioners. Fundamentalism may triumph in the forum, and the Fundamentalists may take charge of the political forms of government and turn them topsy-turvy, but the laws of Nature will never be repealed or nullified by lunkheads. And agriculture will never be made more prosperous by putting artificial prosperity props under her incompetents. The men who are incapable of managing their own affairs, who cannot be industrious in an intelligent way, must be weeded out.

worked downward, or educated upward, just as the unfit are disposed of in the universal struggle for existence.

But in spite of the handicaps that come from carrying its hard-luckers, in spite of the fact that it is crowded with lazy, disgruntled, incompetent, inefficient, brainless barnacles, I still maintain that farming offers more attractive allurements to the young American of industrious and individualistic inclinations than any other calling of the present age; it offers more independence, more certainty of income, and more of the real joys of life to larger numbers than all the trades of the cities.

The man who loves Nature, or himself, the man who can live with himself and manage himself, the man who values his self-respect and prefers to take the tides of life in his own canoe rather than as a deck-hand on another's floating palace, the man who knows that gilt is not gold and that glamour never glorifies—that man will find the most endurable existence in the fields of agriculture. And any such man who can get a fair start on a farm and is willing to work industriously and intelligently a reasonable number of hours a day every day in the week, and every week in the year—any such man can soon attain a vastly superior position to that of the workman in the city who puts in the same working time.

He can be a one-crop gambler if he will, and play the OO of wheat, corn, cotton, or tobacco to his heart's content. But if he would be safe he must know how to hedge. With six or eight hundred pullets, and half a dozen milch cows of pure-bred stock, he can, in any real farming section, make sure of a cash income of from \$50 to \$75 for every month in the year, if he raises the

feed for the fowls and cows. This is enough to pay the living expenses of the average farm family. With assurance of such an income there will be no fear of hunger in the lean years, and when there are bumper yields on the speculative crops the money that goes into the bank will not have to be used to pay notes and reduce mortgages.

Of course all this means work. It means steady work throughout the year. But why shouldn't the farmer work steadily throughout the year? I do. The Rotarians do. So do the road-house waiters and widowed washerwomen. And there are rewards—enrichments, intangible in the marts of the money-mad world, which must be regarded as precious by all who know life on the farm. How I cherish the memories that are mine!

The sparkling of the morning's dew in the first shafts of sunlight as the day's duties are begun, and the croaking of frogs in the quiet marshes as darkness descends on the last of the barnyard chores. The grunt of the pigs, and the bellows of the calf that is weaning. The aroma of new-mown hay as the cooling breeze and soft moonlight sift through the screens of the sleeping-porch. The end of the harvest as the binder's bull-wheel winds its serpentine coil-tracks around the diminishing field of golden grain, while the terrified young rabbits scatter in every direction. Lying down on the belly in the shade of a big tree on a hot day and sticking nose and parched lips into the bubbling water of a clear, cool spring. Primroses blooming along the road that goes to town. Cat-birds chattering in the hedge-fence on the way. Turtle doves cooing in the hemp field on the hill. The old cider mill a-grinding.

Back to the farm!

I
y
d
old F
the F
Cour
boun
Olive
Water
espec
in th
old f
their
with
mans
the f
thoro
Squar
when
Unite
at N
Samu
pres
house
Hanc
to be
No.
know
army
of Ar
1812.
so p
origi
But
flowe
tion f
by 18
way t
able p
erty.

DAYS OF WICKEDNESS

BY HERBERT ASBURY

IN COLONIAL times and during the early years of the Republic the finest residential section of New York was the old Fourth Ward, lying east and south of the Five Points (now the site of the new Courthouse) and including within its boundaries such famous streets as Cherry, Oliver, James, Roosevelt, Pike, Catherine, Water and Dover. In this district, and especially on Cherry Hill, the high ground in the northeastern part of the ward, the old families and the great merchants had their homes, and the streets were lined with fragrant cherry trees and splendid mansions. Cherry street was the heart of the fashionable district; it was in this thoroughfare, at the corner of Franklin Square, that George Washington lived when he was inaugurated President of the United States. John Hancock's home was at No. 5, and at No. 27 lived Captain Samuel Chester Reid, who conceived the present plan of the American flag. The house at No. 7, only two doors from the Hancock mansion, was the first in the city to be supplied with illuminating gas. At No. 23 was a restaurant and barroom known as the Well, a favorite resort of army and naval officers and of the captains of American privateers during the War of 1812. It was there that the beefsteak party, so popular with modern stag parties, originated.

But the wave of immigration which flowed to America soon after the Revolution forced the aristocrats northward, and by 1840 their mansions had begun to give way to rows of tenements housing a miserable population steeped in vice and poverty. When the Old Brewery at the Five

Points was demolished, its reputation as the most squalid tenement in New York was assumed by Gotham Court, sometimes known as Sweeney's Shambles, at Nos. 36 and 38 Cherry street, although the claims of this fearsome pile were disputed by the Arch Block, which ran from Thompson to Sullivan streets between Broome and Grand. Among others the Arch Block contained the famous dive kept by a giant negress known variously as Big Sue and the Turtle. She weighed more than 350 pounds and was described by a contemporary journalist as resembling a black turtle standing on its hind legs.

Gotham Court comprised two rows of connected tenements, set back to back and extending for 130 feet along Cherry street in the direction of Oak street. The buildings housed more than 1,000 persons, principally Irish, but with a sprinkling of Negroes and Italians. Entrance to both rows was by two alleys on the east and west sides, called Single alley and Double alley. The former was six feet wide and the latter nine. Double alley was also known as Paradise alley, and was the boyhood haunt of Edward Harrigan and William J. Scanlon, the celebrated vaudeville performers. It was this alley, also, which provided the inspiration for the famous street song, "The Sunshine of Paradise Alley":

There's a little side street such as often you meet,
Where the boys of a Sunday night rally;
Though it's not very wide, and it's dismal beside,
Yet they call the place Paradise alley.
But a maiden so sweet lives in that little street,
She's the daughter of Widow McNally;
She has bright golden hair, and the boys all declare,
She's the sunshine of Paradise alley.

One of the principal sewers of that part of the city ran in a direct line beneath Gotham Court, with manholes in both Single and Double alleys. Gangsters and other criminals who sought refuge from the police in the dismal chambers of the court cut other openings from the cellars of the tenements, and hid themselves and their plunder on the side ledges of the sewer or in niches cut in the walls. The fearful odors and vapors which seeped into the court made it one of the most unhealthy spots in the city. The death-rate was always high, and during the cholera epidemic of the early fifties it reached 195 a thousand. Of 183 children born in the court over a period of three years sixty-one died after a few weeks of life. Infants were also frequently killed by the huge rats, some of them as large as cats, which infested the sewer and often invaded the tenements. The Board of Health condemned Gotham Court in 1871, but it was not until the late nineties that the tenants were evicted and the buildings demolished.

Conditions such as these soon prevailed throughout the Fourth Ward, and by 1845 the whole area had become a hotbed of violent crime. Streets over whose cobblestones the carriages of the aristocrats had rolled became nests of dives which sheltered the members of such celebrated river gangs as the Daybreak Boys, the Buckoos, the Hookers, the Swamp Angels, the Slaughter-Housers, the Short Tails, the Patsy Conroys and the Border Gang. No human life was safe, and a well-dressed man venturing into the district was commonly set upon and murdered or robbed, or both, before he had gone a block. If the gangsters could not lure a prospective victim into a dive, they followed him until he passed beneath an appointed window, from which a woman dumped a bucket of ashes upon his head. As he gasped and choked, the thugs rushed him into a cellar, where they killed him and stripped the clothing from his back, afterward casting his naked body upon the sidewalk. The police would not march against the deni-

zens of the Fourth Ward except in parties of a half-dozen or more, and when their quarry sought refuge in a dive they frequently besieged the place for a week or longer until the thug was driven forth by hunger. The principal resorts were always well garrisoned, and fully equipped with muskets, knives and pistols.

On Water street, running parallel with the East River, practically every house contained one or more dives, and some of the tenements housed a saloon, dance-hall or place of prostitution on every floor. For more than twenty-five years this thoroughfare was the scene of more violent crime than any other street on the continent. John Allen operated his famous dance-cellar and house of prostitution at No. 304, and north and south of his establishment, within a half mile limit, were forty similar places, as well as more than a hundred other dives, including such celebrated resorts as the Pipe, kept by Butch Haley at No. 337; Tom Norton's bagnio, Mother McBride's dance-house, the Saranac, the Bandbox, the Rat-hole, Long Mary's house, Liverpool Mary Ann's, the Rising States and Kit Burns' Sportsmen's Hall at No. 273.

Burns' place occupied the whole of a three-story frame house, the lower half of which was painted a vivid and bilious green, while before the door swung a huge gilt sign. The principal room of the first floor was arranged as an amphitheater, with rough wooden benches for seats. In the center was a ring enclosed by a wooden fence about three feet high. This was the famous pit in which the huge gray rats from the wharves were sent against terriers, and sometimes, after they had been starved for several days, against each other. One of the famous gangsters who haunted Burns' place was George Leese, otherwise known as Snatchem, a member of the Slaughter House gang and, in the opinion of a contemporary journalist, "a beastly, obscene ruffian, with bulging, bulbous, watery, blue eyes, bloated face and coarse swaggering gait." This hero, besides carrying on

his trade as a river pirate, was an official blood-sucker at the bare-knuckle prize-fights which were frequently held in the Fourth Ward and Five Points dives in those days. With two revolvers in his belt and a knife in his boot-top, the Snatchem was an important figure at these entertainments, and when one of the pugilists began to bleed from scratches and cuts inflicted by his opponent's knuckles, it was his office to suck the blood from the wound. He pridefully described himself as a "rough-and-rumble-stand-up-to-be-knocked-down-son-of-a-gun," and a "kicking-in-the-head-knife-in-a-dark-room-fellow." Apparently he was all of that.

II

Another famous Water street resort was the Hole in the Wall at the corner of Dover street, run by One-Armed Charley Monell and his trusted lieutenants, Gallus Mag and Kate Flannery. Gallus Mag was one of the notorious characters of the Fourth Ward, a giant Englishwoman well over six feet tall, who was so called because she kept her skirt up with suspenders, or gal-luses. She was bouncer and general factotum at the Hole in the Wall, and stalked fiercely about the dive with a pistol stuck in her belt and a huge bludgeon strapped to her wrist. She was an expert in the use of both weapons, and like the celebrated Hell-Cat Maggie of the Five Points, was extraordinarily gifted in the art of mayhem. It was her professional habit, after she had felled an obstreperous customer with her club, to clutch his ear between her teeth and so drag him to the door, amid the cheers of the onlookers. If her victim struggled, she bit his ear off, and having cast the fellow into the street, carefully deposited his detached member in a jar of alcohol behind the bar, in which she kept her trophies in pickle. She was one of the most feared denizens of the water-front, and the police shudderingly described her as the most savage female they had ever encountered.

The dive over which Gallus Mag exer-

cised belligerent supervision became the most vicious resort in the city, and was finally closed by Captain Thorne of the Fourth Ward police after seven murders had been committed there in a period of less than two months. It was in the Hole in the Wall that Slobbery Jim and Patsy the Barber, both desperate criminals and prominent members of the Daybreak Boys, had their famous fight. On one of their prowling expeditions along the river front Slobbery Jim and Patsy the Barber came upon a German immigrant, newly landed, walking beneath the sea-wall at the Battery. They set upon him, knocked him unconscious with a club, and robbed him of twelve cents, all the money he possessed. They then cast him into the harbor, where he drowned. The thugs went to the Hole in the Wall to divide their plunder, and Slobbery Jim pointed out that since he had hoisted the heavy German over the wall he should have at least seven and possibly eight of the twelve cents. But Patsy the Barber contended with equal logic that if he had not struck the German with a club Slobbery Jim might not have been able to push him into the water. The infuriated Slobbery Jim promptly seized the prominent nose of Patsy the Barber between his teeth, and Patsy countered with a knife-thrust between the ribs which, however, did little damage. For more than half an hour the two thugs rolled and tumbled about the floor of the dive, unmolested by either One-Armed Charley or Gallus Mag, for it was recognized that they were engaged in no ordinary brawl, but were desperate men fighting for a principle. Finally Slobbery Jim obtained possession of the knife and stabbed Patsy the Barber in the throat, and when the latter fell fainting from loss of blood, promptly stamped him to death with hob-nailed boots. Slobbery Jim escaped, and was not again heard of until the Civil War, when he appeared as a captain in the Confederate Army.

A majority of the pirates of the Fourth Ward operated along the East River water-front from the Battery to Hell Gate, only

one gang of importance working along the Hudson river on the western shore of Manhattan. This was a choice collection of ruffians known as the Charlton Street Gang, under the leadership of such famous pirates as Flabby Brown, Big Mike, Patsy Higgins, Mickey Shannon, Big Brew and Slip Locksley. They made their headquarters in a gin-mill at the foot of Charlton street, and sallied forth each evening to steal whatever was loose upon the docks, and to rob and murder anyone who ventured into their territory. But most of the Hudson river piers were used by ocean-going steamers and sailing vessels, and were well lighted and guarded. Consequently the Charlton street gangsters found the pickings very slim, and were at length driven to make a choice between regular piracy and honest labor.

Naturally, they chose piracy, and for the first two years of their new career roamed up and down the Hudson in row-boats, robbing isolated farm-houses and estates along the New Jersey coast, and on the Manhattan shore as far north as the Harlem river. But in the Spring of 1869 they were joined by a woman known as Sadie the Goat, who proceeded to put new life into the gang. Sadie acquired her soubriquet because it was her custom, upon encountering a stranger who looked as though he might possess money or valuables, to duck her head and butt him in the stomach, whereupon her male companions promptly slugged the surprised victim with a slung shot, and then robbed him at their leisure. For several years Sadie the Goat was a favorite among the gangsters of the Fourth Ward, but she finally became embroiled in a fight with Gallus Mag and was badly worsted. She fled the district, leaving one of her ears in Gallus Mag's pickling jar behind the bar of the Hole in the Wall, and sought refuge in the den of the Charlton Street Gang on the West Side.

Under the inspired leadership of Sadie the Goat the Charlton street thugs considerably enlarged their field of operations. They stole a small sloop of excellent sail-

ing qualities, and with the Jolly Roger flying from the masthead and Sadie the Goat pacing the deck in proud command, they sailed up and down the Hudson from the Harlem river to Poughkeepsie and beyond, looting and burning farm-houses and riverside mansions, terrorizing the hamlets, and occasionally holding men and women for ransom. It has been said that Sadie the Goat, whose ferocity far exceeded that of her ruffianly followers, compelled half a dozen men to walk the plank in true piratical style. For several months the thugs were amazingly successful, and began to fill up their hiding places with bales of goods, some of considerable value, which they disposed of gradually through the fences and junk shops along the Hudson and East rivers. But after they had committed several murders, the embattled farmers began to greet their landing parties with musket and pistol fire, and by the end of the Summer life had become so perilous that they abandoned their sloop. Sadie the Goat is said to have taken her share of the loot and returned to the Fourth Ward, where she made truce with Gallus Mag and acknowledged her as Queen of the Water-Front. Gallus Mag was so touched by the abject surrender of her rival that she dipped into her crock of trophies and returned one female ear to its rightful owner. Legend hath it that Sadie the Goat had her ear enclosed in a locket and wore it about her throat.

During the late fifties Chief of Police George W. Matsell estimated that there were between five and six hundred river pirates in the Fourth Ward, organized in some fifty active gangs. The most important was the Daybreak Boys. This outfit, which had a rendezvous in a gin-mill kept by Pete Williams at Slaughter House Point, as the police called the intersection of James and Water streets, was an extraordinary band of cutthroats, and was the first of the river gangs to operate as an organized unit under acknowledged leadership and strict discipline. These thugs received their name because they generally chose the hour

of dawn for their most hazardous enterprises, and few were the days on which the rising sun did not disclose them prowling about the docks or along the river in row-boats. Nicholas Saul and William Howlett, who were hanged in the Tombs when the former was but twenty years old and Howlett a year his junior, were the most celebrated leaders of the Daybreak Boys, although the membership of the gang included many noted criminals, among them Slobbery Jim, Patsy the Barber, Tom Giegan, Bill Lowrie, Sow Madden and Cow-Legged Sam McCarthy. None of them, at the start, was more than twenty years old, and there was scarcely a man among them who had not committed at least one murder and innumerable robberies.

III

But the most illustrious thug who graced New York during the pre-Civil War period was Albert E. Hicks, commonly called Hicksey, who lived with his wife and one child at 129 Cedar street, not far from Trinity Church and within two blocks of the Hudson river. Hicks was a free lance gangster and thief. He spent most of his time in the dives of the Fourth Ward, and although he owed allegiance to none of the great gangs, occasionally enlisted under the banner of a captain whose activities promised excitement and loot. On a night in March, 1860, having imbibed too deeply at a Water street dance-hall, Hicks sought lodging in the house of a Cherry street crimp, trusting that his reputation would protect him. But the crimp was no respecter of persons, and was not awed by the eminence of his guest. He put laudanum in Hicks' nightcap of rum, and in the dead of night crept into the sleeping chamber and deepened the gangster's slumbers with a slung-shot. When Hicks awakened he was on board the sloop *E. A. Johnson*, bound for Deep Creek, Virginia, for a cargo of oysters, and had been regularly shipped as a member of the crew under the name of William Johnson. Besides the shanghaied thug, the vessel's complement

comprised the master, Captain Burr, and two brothers, Smith and Oliver Watts.

The *E. A. Johnson* sailed out of New York harbor with Hicks lying in the fore-castle trying to collect his scattered senses. Five days later the sloop was found abandoned at sea off the coast of Staten Island by the schooner *Telegraph* of New London. The schooner spoke the steam tug *Ceres*, which towed the *Johnson* into the Fulton Market slip. She had evidently been in collision with another vessel, for her bowsprit and cutwater had been badly damaged, and sailors who boarded her to affix a tow-line reported that her decks were in the wildest confusion. After she had docked Coroner Schirmer and Captain Weed of the Second precinct police boarded her and made an examination. They found the sails loose upon the deck, and the small boat which was ordinarily towed at the stern was missing. In the cabin the ceiling, floors, bunks, chairs and table were stained with blood, as were the bedding and the ship's papers, and various articles of clothing which had been thrown about the compartment. On the floor and on the planking of the deck were marks indicating that a heavy body had been dragged to the side, and the rail was splotted with blood. Four human fingers and a thumb lay on the deck beneath the starboard rail, and alongside of them a bloody ax.

There was no sign of Hicks aboard the ship, but two days later the police learned that he had appeared at his home with a considerable sum of money, and had given evasive answers when neighbors asked where he had obtained it. That night he fled the city with his wife and child, but was traced to Providence and arrested there. A web of circumstantial evidence was soon woven around him, and in May, 1860, he was tried before the United States Circuit Court. After deliberating seven minutes the jury found him guilty of piracy and murder on the high seas. He was sentenced to be hanged on Friday, July 13, and the court specified that the execution should take place on one of the government-owned

islands in New York Bay. Less than a week later Hicks summoned the warden of the prison, and said that he desired to make a confession, and thereby ease his soul of sin. He then told how he had murdered one of the Watts boys with a capstan bar, and had afterward killed Captain Burr and the other lad with an ax, chopping young Watts' fingers off when the boy clung to the rail.

The conviction of Hicks and his subsequent confession caused a stir throughout the city, and for several weeks there was a constant stream of visitors to the Tombs, where they crowded the corridors and stared with awe at the desperate gangster who lay shackled to the floor of a cell. Among the first comers was Phineas T. Barnum, the great showman, whose American Museum was then at the height of its popularity. Barnum wished to obtain a bust of the pirate for his museum, and after a day of haggling Hicks agreed to pose in return for \$25 in cash and two boxes of five-cent cigars. Early next morning a cast was made, and that afternoon Barnum returned to the Tombs with a new suit of clothing, which he traded to Hicks for the garments the pirate was then wearing. Later Hicks complained that Barnum had cheated him, for the new suit was shoddy and not nearly so good as his old one.

Hicks slept soundly the night before his execution, but was awakened at four o'clock on the morning of July 13 and told to dress. He manifested no sign of repentance or grief, but ate heartily of breakfast and then smoked the last of the cigars which he had obtained from Barnum. He told the warden that Barnum had asked him to return the empty cigar boxes for display in the museum, and the warden agreed to see that the showman received them. A few minutes before nine o'clock United States Marshal Isaiah Rynders, girt with Sheriff Kelly's sword, which he had borrowed for the occasion, entered the prison, attended by the sheriff and several deputies, all clad in plug hats and frock

coats and carrying their staffs of office. In a sonorous voice the marshal read the death warrant, and bade the prisoner prepare himself for execution, which Hicks did by arraying himself in a suit of blue cottonade made expressly for the occasion. He complained that the suit did not fit and had not been properly pressed, but the warden told him there was no time for alterations.

The gangster was handcuffed and shackled with leg irons, and was then led from his cell into the main corridor of the prison, where Marshal Rynders and his party were drawn up in a solemn group to receive him. Attended by Father Duranquet and escorted by the officials marching in hollow square with their plug hats held across their chests, Hicks was escorted with great ceremony into the street. Thousands of people who had gathered greeted his appearance with cheers, and both the prisoner and the United States marshal bowed in acknowledgment of the ovation. For a few moments the group stood on the steps of the prison, and then around a corner into Center street swept a file-and-drum corps and a string of carriages, each drawn by a team of coal-black horses and driven by a coachman clad in garments of funereal hue. The procession halted in front of the Tombs amid flourishes and ruffles from the trumpets and drums, and Marshal Rynders, carrying his silk hat in the crook of his elbow and with his sword clanking about his heels, marched ceremoniously down the steps and impressively ensconced himself in the front seat of the first carriage. Beside him sat Deputy Marshal Thompson, while Hicks was placed in the back seat between Sheriff Kelly and Father Duranquet. In the second carriage were the deputy sheriffs, and in the others were policemen, gamblers, politicians, pugilists, doctors and newspaper reporters. At a signal from Marshal Rynders the drums rattled, the musicians struck up a dirge, and the carriages were driven slowly through thoroughfares lined with cheering crowds to the foot of Canal street, where

the ste
the
where
with
The
corps
arrive
mente
had b
not fo
boat.
cabin,
with
boat v
and a
midstr
that t
termin
sail up
cordin
slowly
now
steams
from
broug
circled
station
his sw
other,
steams
the me
and th
aboard
and H
Ab
starte
Island
them
Marsh
Hicks
tween
of Cay
yond
from t
to esc
Hicks
prayer
the isl
and co
tentio

the steamboat *Red Jacket* awaited to convey the hanging party to Bedloe's Island, where the Statue of Liberty now beckons with her blazing torch of freedom.

The carriages and the fife-and-drum corps were dismissed when the procession arrived at the dock, and the party, augmented by more than a thousand men who had been invited to attend the hanging but not for the ride, went aboard the steamboat. Hicks was made comfortable in the cabin, and immediately engaged in prayer with Father Duranquet. By ten o'clock the boat was jammed with some 1,500 guests, and a start was made for the island. But in midstream Marshal Rynders discovered that there was plenty of time, and he determined to take his guests on a pleasure sail up the Hudson. The *Red Jacket* was accordingly turned about and steamed slowly up the river as far as Hammond, now West Eleventh street, where the steamship *Great Eastern*, recently arrived from Europe, was anchored. Hicks was brought to the rail, and as the *Red Jacket* circled the *Great Eastern* Marshal Rynders stationed himself on the bridge, and with his sword in one hand and a trumpet in the other, announced to the passengers of the steamship the purpose of the cruise, and the meaning of the shackles on Hicks' legs and the handcuffs on his wrists. The people aboard the *Great Eastern* cheered vigorously, and Hicks bowed respectfully.

About 10:30 o'clock the *Red Jacket* again started down the Bay, arriving at Bedloe's Island an hour later. The guests formed themselves in procession, and preceded by Marshal Rynders, Father Duranquet and Hicks, marched down the gangplank between lines of marines under command of Captain John B. Hamilton, while beyond the pier a detachment of infantry from the garrison at Fort Hamilton awaited to escort the doomed man to the gallows. Hicks marched with his lips moving in prayer, and as his feet touched the soil of the island he knelt with Father Duranquet and commended his soul to the special attention of his Heavenly Father. He was per-

mitted to complete his supplications, while the guests stood with bowed heads. The procession then moved forward, with Hicks in the center of a hollow square formed by the troops, and the regimental band playing a dirge.

Meanwhile hundreds of boats had come from Manhattan, and from Staten Island, New Jersey and Brooklyn, and formed a solid mass for more than a hundred feet off shore. Beyond the fringe of small craft were a score of large excursion boats, gaily decorated with flags and bunting and crowded to the gunwales with hilarious crowds, among whom hawkers and patterers peddled hot corn and other equivalents of the modern hot dog. It was estimated that at least 10,000 persons saw the execution, for the scaffold had been erected within fifty feet of the shore, and the hanging was in plain view of the great crowds which filled the boats. Hicks stepped on the death platform promptly at noon, and half an hour later, after the invited guests had filed past and shaken hands with him, the rope was cut and his body dropped through the trap. He struggled severely for three minutes, but thereafter exhibited no pain. The body remained suspended for a half hour, when it was cut down and carried aboard the *Red Jacket*, and taken back to Manhattan. Hicks was buried in Calvary Cemetery, but his body was scarcely cold before the grave had been robbed by ghouls, who sold the corpse to medical students for a few dollars.

IV

Although Water street was the site of the most vicious dives of the Fourth Ward and the haunt of the most desperate thugs of the water-front, there was little to choose between it and the other thoroughfares of the district. Nor was it any worse than the Corlears Hook district, northward near the bend of the East River at Grand street, where many of the water-front gangs removed when the police finally became active in the Fourth Ward. There dives

sprang up bearing such names as the Tub of Blood, Hell's Kitchen, Snug Harbor, Swain's Castle, Cat Alley and the Lava Beds. Many celebrated thieves and gangsters frequented these resorts, among them Skinner Meehan, Dutch Hen, Brian Boru, Sweeney the Boy, Jack Cody and Hop-Along Peter. Sweeney the Boy and Brian Boru slept in a marble yard near the Hook for twenty years, but one night the latter went to sleep so drunk that he could not defend himself, and when his body was found it had been half-devoured by the huge rats which infested the docks and sometimes ranged far afield in quest of food. Hop-Along Peter was a half-wit, but he was a ferocious thug nevertheless, for he flew into a furious rage at sight of a police uniform, and was one of the most noted cop-fighters of his time.

Cherry street, through which George Washington and John Hancock had once strolled and where the aristocrats had held revel in the cherry orchards, was the headquarters of the crimps, who operated boarding-houses wherein sailors were robbed and murdered and from which they were shanghaied. During the late sixties an investigating committee headed by the Hon. W. F. G. Shanks estimated that 15,000 sailors were annually robbed of some \$2,000,000 in these places. Dan Kerrigan, a noted pugilist who fought a three and a half hour bare knuckle battle with Australian Kelly, conducted such a house at 110 Cherry street, and Mrs. Bridget Tighe, a celebrated female crimp, had a place at No. 61. Next door to Kerrigan's, at No. 110½, was the famous house kept by Tommy Hadden, the most notorious crimp of them all. He served two terms in State's prison for robbing and shanghaiing sailors. Both Hadden and Kit Burns had been leaders of the Dead Rabbits and other early Five Points gangs, but as they grew older they wearied of the brawling of Paradise Square and removed to the Fourth Ward, where they opened dives and waxed fat and prosperous, and became notable ornaments of the water-front. However, they

occasionally returned to the Points and accompanied the Rabbits on important forays.

Sailors were frequently murdered in their sleep in the old Fourth Ward Hotel at Catherine and Water streets, and their bodies disposed of through trap door opening into underground passages which led to the docks. The first Jack-the-Ripper murder in New York is said to have occurred in this house, when an old hag known as Shakespeare was cut to pieces by a half-witted bar-fly commonly known as Frenchy. Shakespeare always claimed that she had come from an aristocratic family, and that in her youth she had been a celebrated actress in England. She supported her contention by reciting, in return for a bottle of swan gin, the lines of every female rôle in "Hamlet," "Macbeth" and "The Merchant of Venice," and throughout the ward she was regarded as an authority on the drama. Another famous sailors' house was the Pearsall & Fox Hotel, in Dover street near Water, which had a dance-hall in the basement, places of prostitution on the second and third floors, and rooms to hire on the fourth and fifth. Still another resort of this type was the Glass House at No. 18 Catherine Slip, kept by Martin Bowe, member of a famous Fourth Ward family. Bowe had three brothers, Jack, Jim and Bill, all of whom were notorious shooters, cutters and thieves. Not only did they lead their own gangsters in assaults upon the docks and upon ships lying in the East River, but they acted as fences and disposed of the loot obtained by other gangs. One of their principal followers was Jack Madill, who was bartender at the Glass House for more than a year. He was finally sent to prison for life after he had killed his wife because she refused to help him rob a drunken sailor, or, in the expressive argot of the period, roll a lush.

The most famous of all the Fourth Ward dives was the dance-house kept by John Allen in Water street, at No. 304. Allen was a member of a pious and well-to-do family of upper New York State, and was

set
foot
beca
a B
diss
of a
stud
rem
Was
hou
two
of s
red-
ank
esta
a da
a N
New
caug
ther
open
dive
recre
the
such
had
and
Wick
first
artic
beca
seen
ous,
Hall
dame
famo
Al
the
Ward
his
a th
derer
insis
occu
hous
at or
he g
musi
read
Scrip

set apart by his parents to follow in the footsteps of his brothers, two of whom became Presbyterian preachers and the third a Baptist. But about 1850 Allen became dissatisfied with the prospective rewards of a sacerdotal career, and abandoned his studies in Union Theological Seminary, removing with his wife to the Fourth Ward. There they opened a dance-hall and house of prostitution, staffing it with twenty girls who wore low black bodices of satin, scarlet skirts and stockings, and red-topped boots with bells affixed to the ankles. One of the inmates of the Allen establishment soon after the Civil War was a daughter of the Lieutenant-Governor of a New England State, who had come to New York to seek her fortune and had been caught in the meshes of the procurers who then abounded throughout the city and operated almost without hindrance. The dive soon became one of the principal recreational centers for the gangsters of the Fourth Ward, and Allen ran it with such shrewdness that within ten years he had banked a fortune of more than \$100,000, and had become widely known as the Wickedest Man in New York, a sobriquet first applied to him by Oliver Dyer in an article for *Packard's Monthly*. And his dive became one of the worst the city has ever seen, worthy to rank alongside such notorious, but later, places as McGuirk's Suicide Hall, the Haymarket, the French Madame's, Paresis Hall and Billy McGlory's famous resort in Hester street.

Allen had definitely left the service of the Lord when he embarked on a Fourth Ward career, but he never entirely forgot his early training. Although a drunkard, a thief, a procurer, and possibly a murderer, he remained devoutly religious, and insisted upon surrounding his unholy occupation with a holy atmosphere. His house opened for business each afternoon at one o'clock, but on three days a week he gathered his harlots, bartenders and musicians in the barroom at noon and there read and expounded a passage from the Scriptures. Each of the cubicles to which

his women repaired with their customers was supplied with a Bible and such religious literature as Allen could obtain, and on gala nights New Testaments were given away as souvenirs. He subscribed to practically every religious paper and magazine published in the United States, and took several copies each of the *New York Observer* and the *Independent*, his favorites. He kept them scattered about the dance-hall and barroom, and on every table and bench reposed a hymn-book called "The Little Wanderer's Friend," then a popular volume. Allen was always ready to lead his harlots and their customers in a religious sing-song, and it was not unusual for the house to resound with the sound of hymns. The harlots' favorite was "There is Rest for the Weary":

There is rest for the weary,
There is rest for you.
On the other side of Jordan,
In the sweet fields of Eden,
Where the Tree of Life is blooming,
There is rest for you.

The various magazine and newspaper articles describing the curious manner in which Allen operated his house attracted much attention, and the evangelical clergymen of the city determined to take advantage of the situation. The Rev. A. C. Arnold of the Howard Mission was especially indefatigable, and made frequent visits to the house, trying to induce Allen to permit an ordained preacher to conduct his meetings. Finally, on May 25, 1868, the Rev. Mr. Arnold led an expedition of six clergymen and as many devout laymen into the dangerous purlicue of Water street, and found Allen so drunk that he was unable to protest when they held a prayer meeting from midnight until four o'clock in the morning. Accounts of this meeting were published, and for several months there was a regular procession of curiosity seekers and ambitious preachers to the Water street dive, so that Allen's regular patrons were driven away and his profits dwindled. The preachers continued to hold meetings whenever Allen could be found drunk enough to give his consent, and at

length they announced that they had prevailed upon him to abandon his nefarious business. At midnight on August 29, 1868, the doors of the dance-hall were closed for the first time in seventeen years, and the next morning this notice was posted upon the door:

THIS DANCE HOUSE IS CLOSED

No gentlemen admitted unless accompanied by their wives, who wish to employ Magdalenes as servants.

V

The next day the Rev. Mr. Arnold announced that John Allen had given his heart to Jesus, and that he would never resume his former occupation. A few days later the preachers began to hold revival meetings in the dance-house, and on the Sunday following Allen attended services at the Howard Mission, and the Rev. Mr. Arnold asked the congregation to pray for him, which was done. This circumstance aroused much interest, as did the public meetings, which continued daily until about the first of October. Meanwhile the ministers had prevailed upon Kit Burns to turn his rat-pit over to them for services, and on September 11 meetings were also begun in Tommy Hadden's boarding-house at 374 Water street, although none were held in his Cherry street place. Bill Slocum's gin-mill in Water street was also overrun by the preachers, but Slocum, Burns and Hadden would not attend services at the mission, although they permitted themselves to be mentioned in the prayers.

So much commotion was aroused by the Water street revival that about the middle of September a communication to the public on the subject was issued, signed by the Rev. Mr. Arnold, Dr. J. M. Ward, the Rev. H. C. Fish, the Rev. W. C. Van Meter, the Rev. W. H. Boole, the Rev. F. Browne, Oliver Dyer, the Rev. Isaac M. Lee and the Rev. Mr. Huntington. This paper professed to set forth the facts about the Water street preaching. It said that Allen, Burns,

Slocum and Hadden had surrendered their premises for services because they had been converted, and that they were coöperating with the preachers solely through religious motives. The communication said also that the congregations had, to a large extent, been composed of sailors and residents of the Fourth Ward, and that some of the most wretched outcasts of the district had been present and had, in many instances, requested prayer and private religious instruction.

These things were solemnly set forth by the preachers as facts, and were accepted as such until the *New York Times*, after an extended investigation, exposed the entire scheme. The *Times* declared that there was no revival in progress among the denizens of the water-front, and that Slocum, Allen, and Tommy Hadden were not converted or reformed men. It charged that the preachers and their financial backers had hired the Allen dive for one month, paying him \$350 for the privilege of holding prayer meetings and other religious exercises on his premises, and binding him, as part of the bargain, to sing hymns and pray, and to say that he had given the house free of charge because of his love for the preachers and Jesus Christ. Said the *Times*:

As for the other men's reformation, that is as absolutely a piece of humbuggery as Allen's. Tommy Hadden is playing the pious with the hope of being secured from trial before the Court of General Sessions for having recently shanghai'd a Brooklynite, and also in consideration of a handsome moneyed arrangement with his employers—similar to that of Hadden. Kit Burns' rat-pit will be opened for religious services on Monday next; but the public need not be deceived in the matter of his reformation. His motive, like that of the others, is to make money, and, be it known, he is to receive at the rate of \$150 per month for the use of his pit for an hour every day. Slocum desired prayers at the Howard Mission on Sunday last, but it is understood that he is not to be lionized because the missionaries are not willing to pay him a high enough rental for his hall. As for the general movement carried on in Water street, under the false pretense that these men have voluntarily and from purely religious motives, offered their saloons for public worship, and have, themselves, determined to reform, very little more need be said. The daily prayer meetings are nothing more than assemblages of reli-

gious people from among the higher grades of society, in what were once low dance-halls. There is an unusual amount of interest displayed at these meetings, and much good, doubtless, has been accomplished thereby, but it is also a fact that there are but a few, and sometimes none, of the wretched women, or ruffianly, vicious men, of that neighborhood present. Those classes are not reached at all, and it is false to say that a revival is going on among them. The character of the audiences and the exercises are similar to that of the noon meeting at the Fulton street church.

Snatchem was a prominent figure at all of the Water street revival services. His intelligence was not of a very high order, and he was easily aroused by the fiery exhortations of the preachers and the emotional appeal of the shouting and hymn-singing. He asked for prayers at every meeting, and frequently embarrassed the clergy by publicly inquiring when they would receive the barrel of water from the river Jordan, which he had been assured would wash away his sins. But he was abandoned to whatever fate the Devil had in store for him when, having been asked why he wanted to go to Heaven, he replied that he wanted to be an angel and bite Gabriel's ear off.

The enthusiasm of the revivalists was considerably dampened by the articles

which appeared in the *Times*, and the public began to desert the services when it became apparent that the preachers had not been wholly truthful. Eventually the campaign was abandoned, and Water street and the remainder of the Fourth Ward returned to their ways of sin. But John Allen's house never recovered from the blighting effect of the prayer meetings; the gangsters began to consider him, as he expressed it, "loose and unsound," and would not patronize his establishment. He retained his women and musicians, and after his contract with the preachers had expired tried desperately to restore his house to its former evil splendor, but within a few months he was compelled to abandon his enterprise. His last public appearance was late in December, 1868, when he and his wife, together with half a dozen of his girls, were arraigned before Justice Dowling in the Tombs Police Court, charged with robbing a seaman, Benjamin Swan, of \$15. One of the girls, Margaret Ware, was held for immediate trial, and Allen was held in \$300 bail for appearance in General Sessions. Allen accused Oliver Dyer of causing his arrest, and declared that it was all a put-up job.

CLINICAL NOTES

BY GEORGE JEAN NATHAN

Brief for Prohibition.—It seems to me that the Prohibitionists, in their efforts to keep the country dry, have overlooked one argument that might win to their side a number of the more civilized Americans who have no sympathy with them at present and who, indeed, would be only too glad to see them kit and caboodle in Gehenna. The argument in question concerns the disgrace that Americans in the mass brought upon alcohol when it was free to them, the manner in which they manhandled it, and the consequent and eminently sound deduction that it should therefore be taken from them, as a Stradivarius should be taken from a man who plays the Black Bottom on it or as first-rate art should be removed from the British National Gallery.

What I am getting at is not the American's habit of excessive topery, for that is and should be no one's business but the individual's. If a man wants to drink himself into unconsciousness and, in the process, gradually acquire everything from cirrhosis of the liver to gall-stones, I can't see that it is anyone's affair save his, granting, of course, that his wife and children esteem him as husband and father no more than is customary. What I have in mind, rather, is the American's complete and even shameful ignorance of alcoholic tipples, of their finest nature, of their infinite charm and beauty, and of their proper service. Such banalities as his accustomed serving of highballs with the roast, or of champagne with the pie, I pass over; they are too well known to call for comment. But I doubt that his monkeyshines in other directions, during the days when he could have anything to drink that he wanted,

are sufficiently appreciated. Surely they are not appreciated by such organizations as the Methodist Board of Temperance, Prohibition, *u.s.w.*, for, if they were, those tongs might deftly spread the news broadcast and so subtly turn much of the present indignation and a good share of the cat-calls against their enemies.

Consider, for example, the kind of glasses that Americans used for wassail purposes at the height of the gala era. Along about 1890, there appeared suddenly throughout the Republic a craze for colored glass, and it was a rare household that didn't stock up with a variety of ruby, green, yellow and purple vessels, purchasable at the nearest crockery shop at very cheap prices. These were considered very tasty by the chatelaines of innumerable ménages, and were employed by them on every possible occasion. Claret and Burgundy were served in green and yellow glasses; Sauterne in ruby glasses; Rhine wines in purple glasses. Even whiskey and water in an emerald glass was not an unusual phenomenon. The general spectacle was much as if sorbets were to be served in a soup dish, or meat and potatoes on a brass salver, and it was just as disturbing to the refined palate. The tinctorial debauching of otherwise lovely and estimable beverages spread from coast to coast; there was no sense of discrimination; the fact that only appropriately blended glasses were used in Europe for certain vintages was lost sight of in the consuming rage to use glasses of any and all hues at any and all times. And there ensued a great gagging on the part of all the more well-bred and sensitive bibbers. For even the saloons and restaurants were fetched by the colored glass fad and, save

one confined one's self to *Schnapps* or lager, one couldn't for the life of one avoid the consequent chromatic nausea. Rhine wine and seltzer were pushed over the bar in sickly Nile-green glasses or even sicklier red ones; brandy was delivered in amethystine glasses; Kirschwasser was served in saffron receptacles; Martini and Manhattan cocktails were presented in chalices that literally yelled at them. The extent to which these atrocities went, in high places, so to speak, as well as low, can best be suggested by recalling the fact that Mr. Ward McAllister, arbiter elegantiarum of the period, actually served his guests amber-colored Madeira in magenta glasses, enough to make the more conversant of them deathly ill, to say nothing of port, on one state occasion, in topaz glasses embellished with gold filigree!

The popularity of the cocktail marked another debasing of the alcoholic art. Following the Martini, Manhattan and Old-Fashioned Whiskey cocktails—the inaugural cocktail trinity—there descended upon the American scene a hundred and one ridiculous mixtures, without rhyme or reason, that made sorry mock of respectable and intelligent drinking. The Bronx cocktail brought orange juice mixed with its gin, a combination akin to mixing prune juice with Pilsner. The Clover Club idiotically took gin and shook it up with, among other things, the white of an egg and raspberry syrup. The Colonial performed the atrocity of defiling its gin with grape-fruit juice and maraschino. The Cream Fizz went in, clown-like, for gin and sweet cream. The Guards', as it was called, tried to blend gin and Curaçao, and the Plaza, gin, pineapple and mint. Pickled onions were inserted into other cocktails, and absinthe, French vermouth and crushed cherries provided a still further corruption. The Bloodhound cocktail added two strawberries to its mongrel recipe; the Colonial actually mixed up the yolk of an egg, gin, Italian and French vermouth, white port and anisette; and the famous Bunny Hug assaulted the kid-

neys with rye whiskey, gin and absinthe. Benedictine and Cointreau were shaken up with mint leaves, the resulting barbarity being dubbed the Imperial cocktail; the Brandy cocktail was an attempt to bring about the miscegenation of brandy and gum syrup, to say nothing of bitters, and, sometimes, maraschino; the Champagne cocktail performed the abortion of adding lump sugar and lemon to the queen of wines; and there was a cocktail widely drunk throughout the South that was composed of half a teaspoonful of Jamaica ginger, half a pony of brandy, half a pony of port wine, one and a half ponies of cherry brandy, one and a half ponies of blackberry brandy and some grated nutmeg.

Other masterpieces of the prevalent alcoholic blasphemy were the Chocolate cocktail that churned an egg, bitters, port wine and sugar; the Cider cocktail that juggled gin, cider, lemon peel and bitters; the Duplex that took in a liberal dash of Horsford's acid phosphate; the Coffee that added Mocha and Java to brandy and port; and the Metropole that performed with gum syrup, Peyschaud bitters, orange bitters, brandy and French vermouth—not forgetting the Narragansett that mixed whiskey, absinthe and Italian vermouth. There were also the so-called Puritan, made up of yellow chartreuse, gin, French vermouth and orange bitters; the Rob Roy, with its Scotch whiskey, Italian vermouth and bitters embellished with an olive; the Trilby, with its acid phosphate, rye whiskey and Calisaya; and the Tuxedo, with its unbelievable amalgam of gin, sherry and Italian vermouth.

In the way of miscellaneous mixed drinks, there were the Champagne Cup, that heathenish hodge-podge of champagne, sugar, lemon, orange, berries, cucumber, brandy, maraschino, white Curaçao, sherry and mint; the Golden Fizz, with its lemon juice, sugar and yolk of an egg added to the gin; Plush, with its ungodly alliance of champagne and claret; Velvet, that combined champagne and stout; and the well-known Port and Star-

board, composed of one-half orange Curaçao and one-half crème de menthe. The Pousse Café sought to gain an audience for itself by grading raspberry syrup, maraschino, orange Curaçao, yellow chartreuse, green chartreuse and brandy; the Pousse L'Amour, that was never nearer France than the old Holland House bar, by pouring into a sherry glass maraschino, the cold yolk of an egg, vanilla flavoring and cognac; the Royal Plush by stirring up champagne and Burgundy in equal parts; Shandy Gaff by combining beer or ale with gingerale; the Silver Fizz by merging the white of an egg, lemon juice and powdered sugar with gin; and the Syracuse Cobbler by taking proud Medford rum and fusing it with gingerale and lemon rind.

As if all this was not enough, the alcoholic morons of the land proceeded then to a further corruption of their Heaven-sent nectars by using ice in places where ice was as completely ruinous as it would be to a Welsh rarebit. Ice in claret became so general a thing that everyone still remembers it. Tom and Jerry, prepared hours before it was due to delight the tonsils, was preserved by putting it temporarily in the refrigerator, where it promptly lost what could never be recaptured by subsequent heating. White wines were chilled out of their quality, and even the lowly chiantis were robbed of what bouquet they may have had by putting cracked ice into the glasses. I have drunk Moselle in those days that was made indistinguishable from colored ice-water, and Burgundy that was so cold I couldn't make out its flavor. Even beer, save in the emporia presided over by

Bavarians and Bohemians, was often iced to the point where its foam took on the appearance of dry shaving lather.

Champagne was kept lying flat on its side by ninety-nine Americans out of every hundred who drank it, instead of being faintly tilted toward the cork, and so was gradually impaired beyond recall. Beer, in most American homes, was served in thin glasses that effeminized it. Port was guzzled at the height of Summer, and sparkling Saumurs were often poured into cut-glass pitchers and allowed to stand around on tables awaiting the moment of their service. Heavy wines, such as Chamberlain, Pommard, etc., were abruptly decanted, their temperature lowered instead of slightly raised, and so made mock of. Stout was treated as if it were beer. The champagne vintages of 1901, 1907 and 1910 were regarded as of the same merit as those of 1892, 1900 and 1906. Cognac and whiskey were gulped down as one and the same thing. The finer Bordeaux were assaulted before even their eighth birthday. The sweet Dordogne wines were served with meat and fowl, and Chablis Moutonne, 1904, the princess of its breed, was served after the soup. Precious Bourbon was contaminated with gingerale; brandy was ignited to amuse the children; Tokay was served in sizeable water tumblers; and the divine blood of the Gironde country was often actually sucked up through a straw.

That such a people and such a nation do not richly deserve the visitation upon them of the Eighteenth Amendment to their Constitution, I have considerable trouble in believing.

THE THEATRE

BY GEORGE JEAN NATHAN

The English Theatre

THE measure of the present-day English theatre may patly be taken by "Yellow Sands," both as a play and as a production. For some time now we have been reading via enthusiastic cable of the quality of this masterpiece of Eden Phillpotts and his daughter, and of the remarkable artistic presentation given it by Sir Barry Jackson, patron saint of the Manchester Repertory Theatre. The London press has hailed it as something decidedly unique, like the cynicism of Hugh Gibson or the good manners of Bobby Jones, and has implied that so long as the English stage can offer such things there is no need for alarm over its theoretical decline. Both play and production have recently been brought over here to show us just what the English theatre can do when it tries, and our worst fears have been realized. For as a play and as a production the exhibit proves again that the British stage is the saddest on view in the world at this moment, a stage so far behind that of America, Germany, Austria, Russia or even France that it is hard for one aware of its past glories to appreciate its almost complete collapse.

While no more given to chauvinism than a Hoboken bartender, an American surveyor of the theatrical scene cannot help but think that without the American stage to give it life these days the English theatre would come very near having to shut up shop. This is true not only in the case of plays, but of productions, players, librettists, song writers, dancers, musicians, costume designers, monologists and even jokesmiths. The so-called artistic production of a play like this "Yellow Sands," as regards scenic equipment, lighting and direction, would not have been

tolerated by Americans even from the old Washington Square Players in the infancy of that amateur organization. The utmost crudity and garbling of values are made painfully evident. A grotesque picture-book background has been fitted to a manuscript that it no more suits than the conventional setting of "The Weavers" would suit the "Follies;" a lack of discrimination in color values brings about so violent a distraction of the audience's eye that the play and scenery kick at each other like mules; the acting is of so poor a quality that no play, however good, could triumph over it; and the direction would disgrace a show put on by the guests at a Summer resort hotel. The disposition of the actors, the matter of emphasis and of voice shading, the handling of entrances and exits are all fantastically mishandled, and the result—forgetting even the deadly manuscript itself—is enough to make Americans scratch their noses. You could find no such incompetence in every department were you to search sedulously among the remotest local little theatres.

What has happened to the London stage? That this exhibition may with eminent fairness be taken as a criterion of its miserable estate is plain to anyone who has studied the English situation on its home grounds for the last half dozen years. What has brought about the *dégringolade* of a theatre that once, and not so very long ago, occupied an important position? What, with trivial exception, allows the clerks in the Keith-Prowse ticket agencies to snooze in their corners save the business in hand be to sell seats to imported American plays, shows and vaudeville acts? Theatrical London, as I remarked several years ago, has become simply an American road town, hanging around in the doldrums

until some second-rate American company comes along to awaken and to entertain it. With the exception of an occasional talented Yankee dramatic or musical comedy actress, we regularly send over to England performers who are surely anything but of the first order, yet these are received with the same indiscriminate acclaim as the others. Actors who can't get jobs over here go there and become overwhelming favorites. Actresses that no American producer will engage take a boat and have to hire secretaries to turn down offers. Singers confined over here to phonograph records and the radio succeed in crowding the London revue and vaudeville houses. Inferior productions of New York plays get notices that the English reviewers used to reserve for state occasions.

With a single exception in the dramatic line, musical comedy line and even vaudeville monologue line—a grand total of three—the American performers in drama, musical comedy and vaudeville who have become the rage in London in the last ten years have been given the bird in their own land. Yet London has taken them to its bosom with an undeviating affection. There are, true enough, a few of the old English favorites who still exercise their hold on the familiar London loyalty, but the theatrical love-map is dotted profusely with alien flyspecks. And today England almost uniformly pays out its money to cry with American handkerchief-moisteners, to laugh with American comedians and to tap its feet in time with American trick pianists and tune manufacturers. It gets its revue ideas from New York; its saxophone blowers have to take lessons from American tutors and then, having mastered their wind, for the protection of their own livelihood have to pass harsh union laws keeping out of the country all American musicians with more than one lung; its dramatic theatres have to support scouts in New York to ferret out plays that will keep their box-offices open; its managers have to ally themselves with American managers to get the benefit of the latter's

judgment; its producers have to book westward steamer accommodations at least three or four times a season to inspect the local market and fetch ideas back with them. Were a second company of actors like that which Jackson has brought over here to merchant "Yellow Sands" to go to London in an American play, they would be treated seriously and received with open arms. The records are rich in substantiation of the fact. In America, they are hooted at and speedily go down the chute.

The trouble with the English theatre is the trouble with the American moving picture: both have come under a cloak and suit control. Just as the American moving picture industry is almost entirely in the hands of former pants makers, so is the English theatre of today almost entirely in the hands of former woolen merchants, butchers and coal dealers, the most of them hiding their identities and their prosaic pasts under the gauds of knighthood. There are more sirs in the English managerial ranks at the moment than the *maitre d'hôtel* of the McAlpin grill greets in the round of a day's lunch. They are estimable fellows, no doubt, a bit ridiculous, perhaps, in the awkward wearing of still strange and far-fetched titles, but, equally without doubt, they are no more suited to theatrical management and production than so many drapers' clerks. They have money, much money, otherwise they would still be plain misters back in their old places of business, but they have no notion of what drama is and they have little taste, and so they seek to make a show for themselves by originating nothing and playing safe by acting as copy-cats. They do not know—how could they?—that there is material lying waste in England that might bring back to the English theatre a sense of the old native pride and glory. They do not know—for such news does not penetrate to woolen mills and butcher shops and coal depots—that beyond the Alps lies not only Italy but an Englishman named Craig whose genius has been banished from his homeland. They do

not know—for such is vanity—that the art and the dignity of the theatre are no more to be entrusted to apostate tradesmen, even tradesmen in silk knee-breeches, than their American prototypes in the movie field know that the future of the pictures, if forsooth it is conceivable that the pictures have one, is to be vested in apostate mink peddlers and dill pickle dealers.

II

Wise-Cracked Drama

A YEAR ago, I made note in these pages of the extent to which the so-called wise-crack was replacing honest dialogue in the American drama and ridding both that drama and its characters of authenticity. The intervening twelve months have supported the contention in an elaborate manner; to such a degree, indeed, that it is hard to find an American-made play these days that does not sacrifice its potential integrity to facile and spurious wheezes. A recent example is "Burlesque," by the Messrs. Watters and Hopkins. Here is a play that might have been something. Burlesque and its fauna, both American to the core, are rich in possibilities; from them might have been brewed a dramatic document smelling beautifully of a juicy and distinctive slice of the native scene. Yet the temptation to get a guffaw on every possible occasion has been too much for the authors and the result is a play that laughs itself into complete illegitimacy. As a thing of the theatre, it is often effective, like a lively nigger minstrel show or a troupe of comical acrobats, but it reflects reality no more than the nigger minstrel show reflects Negro life or than the acrobats suggest a diagnostic study of dorso-cervical vertebræ. There are moments when the play hints fleetingly of genuineness, when a flash of speech and of character gleams momentarily bright and true above the artificial lights. But truth is promptly clouted over the head with an arbitrary slapstick and drowned in the consequent wave of hearty but fraudu-

lently inspired laughter. The show is a good one, good enough, indeed, to kill the play that lies tormentingly beseeching just under its surface. That play, caught helplessly in the womb, remains unborn. Someday, perhaps, Helen Green or Ring Lardner or Anita Loos or Thyra Samter Winslow, collaborating with Billy Watson, may write it.

The Watters-Hopkins exhibit, unquestionably suggested by "Broadway," which is as generally honest as the former is dubious, shows much less acquaintance with the world of burlesque than with the tricks of the Broadway stage. These tricks are handled with cunning and the theatrical effect is nicely achieved, but the dexterity does not for a moment conceal the fact that they are simply tricks. The fraudulence of the play is not long in impressing itself upon the spectator. The heroine, set forth as a typical burlesque woman, is approximately as much a part of the burlesque world as the Rose Stahl chorus lady of another day was a part of chorusdom. Her excessive nobility of character suggests Hurtig and Seamon infinitely less than Austin Strong and Eleanor Porter, and when, at indignant pitch, she can think of no livelier word to heap upon the colleague who is stealing her husband than *trollop*, the sawdust quality becomes strikingly evident. The noble, clean fellow who worships her with a kirk purity and would take her to live with his sister on his ranch out in Wyoming steps bodily forth from Eugene Walter's old "Easiest Way" box-office, and no less out of the showshop store-room are the characters who exit slamming doors with parting "Aw, go to Hells!" The speech, as I have observed, further rubs verisimilitude off the characters by impressing the auditor as coming out of the authors' mouths rather than out of the characters'. It is frequently forced and entirely unnatural as, for example, in such a line as, "You look fine with that black eye. When your nose gets a little redder they'll think you're the flag of Roumania." The Messrs. Watters and Hopkins may be up on the flag of Rou-

mania, but I allow myself a grave doubt that burlesque hoofers are quite so pat in the matter of esoteric emblematica. Nor is one entirely convinced when the burlesque comic says, "He's Jake Ackerman, the big moving picture magnate," and his hooper partner rejoins with, "No! And I been readin' about that guy and thinkin' he was somebody wonderful." While I do not wish to pose as an authority on the theology of burlesque folk, I allow myself a similar doubt that any such character would not hold exactly some such guy in considerable awe.

The success of a play like this in the theatre offers renewed testimony to the fact that criticism, after all, is for critics and plays are for audiences. Sometimes the two meet on common ground, but infrequently. "Burlesque" is a play that does not concern itself with the real people of burlesque, but with the popular impression of the people of burlesque, and so is off to an easy and automatic running start. It proceeds forthwith to the business of amusing its patrons without the necessity—were it a sound work—of first persuading them of their wrong conception of burlesque and then entering into the labor of reconvincing them in a wholly new direction. The curtain goes up; the fun begins; and the devil take the critic. The play buttonholes its personages and their milieu in the prompt and familiar terms of fiction; no inquiries or introductions are called for or indulged in. The result is a diverting comic strip, and, like a comic strip, published apart from the realistic news and doings of real people of a real world.

The Hopkins staging, at least on the opening night, helped the manuscript to suggest burlesque and its people but feebly. The otherwise very skilful producer directed the actors and tempo after the manner of a Pinero comedy; the vulgarest line was spoken with a suave tea-drinking air; the characters were made to move about with the tony nonchalance of English cabots. Miss Stanwyck, the leading

woman, needed only the periodic entrance of a butler to suggest the heyday of the Frohman Empire, and while Mr. Hal Skelly was more fortunate in retaining the necessary grossness, even he was sufficiently caught in the director's web to suggest occasionally much less a burlesque stern-pounder than a Broadway music show comedian.

III

E Pruritus Unum

We live in an age of scandal gourmandising. A nibbling at the personal lives of high and low is all-pervading. A great nosiness and snooping are upon us; even the arts have taken on the aspect of the tabloids. Gentlemen with dusters and ladies and gentlemen with mirrors tell us that Prime Ministers are given periodically to a deplorably unstatesmanlike pruritus and that Presidents jump nervously whenever they pass a newsboy who bears a resemblance to them. Gentlemen with palettes present us with canvases depicting "The Last Supper," showing the Twelve Apostles as cockeyed as so many Elks, and gray-haired grandmothers, slipping their false teeth back into place, deliver themselves of memoirs narrating how, on moonlit Summer nights long ago, now dead Confederate generals lured them behind the old family barn. Biographers of the new dispensation prove elaborately that Jean-Jacques Rousseau committed anatomical arson only in fancy, that Napoleon never changed his lingerie, and that Kaiser Wilhelm suffered from an inferiority complex and, to sustain his self-esteem, ate French babies *en casserole*. Novelists, seized with the prevailing passion, apprise us of the news that Helen of Troy made Catherine of Russia look like an ice poultice, that Byron and Verdi suffered from lewd *spirochata*, and that George Washington and Aaron Burr were not always interested solely in the singing of the Black Patti of their day. Even architects surmount their towering buildings with roosters.

No person is safe from the proletarian chop-licking. Newspapers go so far in the direction of scandal that the libel line can be detected only with the aid of a powerful magnifying glass. The moment a woman in the public eye boards a steamer, it is hinted that she has a yen for one of the stewards and is going to Paris to divorce her husband, and that the latter, in turn, was, peculiarly enough, in his office on the second floor of the Singer Building on the same day that a pretty Flatbush stenographer jumped out of a window on the twenty-fifth. Any public official who stays up after midnight becomes the subject of much eye-winking, and any female revivalist weighing less than two hundred pounds is hinted to be given to esoteric didos. The moment a man makes more than \$100,000 out of oil, it is insinuated that he got six Senators under the influence of opium and used them for nefarious purposes. The erstwhile respectable suitcase has been placed in the immoral category, and it has become worth one's reputation to be seen in Atlantic City with one's sister, if she happens to be a blonde. Grover Cleveland, we are allowed to imagine, was such a boozier that they haven't yet succeeded in polishing off all the glass rings on the White House mahogany; the late Woodrow, we read, was a stage-door John; the true story of Kitchener's death, we are told, was hushed up because a couple of Gaiety girls were on the battleship at the time; and a certain President of France is reported to have met his death in a manner that was most embarrassing to those who found him.

The novel, "Revelry," by Samuel Hopkins Adams, and the play made from it by Maurine Watkins, are symptoms of the prevailing itch for backstairs gossip. In this particular instance, the gossip would seem, however, to have a very considerable basis in fact, and the result is a theatrical exhibit—if not a play—that at least holds the amused attention. This attention it engages by the familiar device of taking an old-fashioned melodrama and giving it

an air of importance by rechristening the leading characters. Thus, as I have observed in another place, Jack Dalton becomes Warren Gamaliel Harding, late President of the United States, Sing Lo, his Chinese co-conspirator, becomes a Secretary of the Cabinet, and Fedora Orloff, the Russian adventuress, becomes a potential contributor of memoirs to *Liberty*. This dodge, as I have also noted, is successful in making an audience feel that it is being let in on something hot and racy instead of simply a more or less orthodox bad-man melodrama minus only the scene in which the brave engineer drives through the forest fire. The realism of the exhibition depends not so much upon what the characters do and say as upon the labels that they bear. A melodrama in which Jack Dalton swindles an old widow out of a New England farm would no longer interest an audience, but—keeping the melodrama intact—put a gray wig on Dalton, call him Harding and have him swindle people out of oil wells, and you'll make the same audience hold tight to its chairs and gasp. Impudence, albeit justifiable, thus takes the place of imagination, and make-up the place of character drawing. This is not to say that Mr. Adams and Miss Watkins have not done well the job that they set themselves to do; it is simply to say that the job at bottom is a critically dubious one.

Beneath the general surface of the play, there quiver several genuinely forceful dramatic episodes and, as I have observed, a considerable measure of truth. The fault of the piece lies in its over-emphasis and in its sophistication with obvious show-shop melodrama. It is also contrived in a series of jerky scenes that at times need only an organ accompaniment and an oil painting of Adolph Zukor on the side theatre wall to persuade one that one is at a movie. Too, there is so much profanity and cussing that along toward ten o'clock one begins to suspect the author of concealing her inability to key up dramatic intensity in loud invocations of the Saviour

and allusions to kennel genealogy. Miss Watkins is altogether too able a dramatic writer to resort to such facile and transparent subterfuges. She may well leave to certain of her lesser contemporaries the kind of dramatic writing in which the playwright should rub his mother's nose.

Of great help to the play is Mr. Robert Milton's very able direction and a troupe of actors considerably above the average.

IV

Brief Mention

"Pickwick," by the Messrs. Reilly and Hamilton, is a dull Dickens dramatization, assiduously faithful to the late Charles and hence ill-adapted to the purposes of the theatre. "Women Go On Forever," by Daniel Rubin, contains a couple of good dramatic episodes, one of them perhaps inadvertently borrowed from Leonard Merrick, but suffers from overcrowding and exaggeration. There is enough material for three separate plays here and the result is a three-ring circus in a single ring, and without a ringmaster. The author might have profited by calling in a collaborator more conversant with the limitations of drama. In addition, he shows a tendency to favor sex sensationalism that is a trifle juvenile and a desire to push realism beyond its bounds. Even if he is perfectly sincere in this latter regard, he should be mindful of the fact that stage realism, even at its best, is always more or less dubious and ridiculously artificial. All that one need do to appreciate the essential absurdity of stage realism is to observe what it looks like when photographed. There never was a realistic scene or a realistic dramatic episode that didn't comically go to pieces when you looked at it on a lobby stand.

"Tenth Avenue," by Lloyd Griscom and John McGowan, the former quondam ambassadorial delegate of this great Republic to Italy, is a melodrama in which the keeper of a low crook dive is possessed of so noble and pure a character that she will not touch tainted money. "Blood Money," by George Middleton, is, in turn, a melodrama in which a blonde stenographer outwits the master-minds of the underworld and ends up in the arms of her millionaire boss. "Creoles" is the latest great masterpiece of the M. Samuel Shipman in collaboration with Kenneth Perkins. "Ten Per Cent," by Eugene Davis, is awful tripe; "The Wild Man of Borneo," by the Messrs. Connelly and Mankiewicz, is a very dull attempt at grotesque character comedy; and "The Letter" is a boob-bumping pot-boiler by the otherwise estimable W. S. Maugham, fashioned from one of his own short stories. "The Trial of Mary Dugan" is an interesting melodrama by Bayard Veiller, expertly staged, and "Four Walls," by the Messrs. Burnet and Abbott, is cheap gunman stuff. "The Command to Love," by Messrs. Lothar and Gottwald, is full of salubrious laughs à la Jurgén. "Black Velvet" may be dismissed without comment.

"Good News," to come to music shows, is very lively and amusing entertainment containing a fat comique named Gus Shy who falls upon his podex with uncommon élan. Ziegfeld's "Follies" is an admirable show, pictorially as lovely as anything the professor has given us and with some excellent low comedy by Eddie Cantor. "À La Carte" is an extremely tedious revue with dull sketches by the author of "Craig's Wife" and "The Show-Off." "The Mikado" is the third of Winthrop Ames' skilful Gilbert and Sullivan revivals. "Half A Widow" is a deadly stupid hoof and yodel show.

THE N
Lyfo
Th U

Revol
gover
their
little
tically
forma
and p
fects
thing
tions
range
outsid
kussi
olutio
Centu
what
of rev
revolu
acts:
about
often
defect
the n
subje
tribun
psych
throu
unint
clusio
and u
ways
intro
of th
whom
atten
and v
late u
terest

THE LIBRARY

BY H. L. MENCKEN

Revolutions

THE NATURAL HISTORY OF REVOLUTION, by Lyford P. Edwards. \$3. 7¼ x 5¼; 229 pp. Chicago: The University of Chicago Press.

REVOLUTION is the sex of politics. All the governments that we know today owe their origin to it, and yet it has been so little studied and discussed, save romantically, that Dr. Edwards' book is the first formal treatise in English upon its anatomy and physiology. The work shows the defects that run with pioneering. For one thing, the facts upon which its generalizations are based lie within a rather narrow range: it is seldom that the author goes outside the French Revolution, the recent Russian Revolution, and the Puritan Revolution in England in the late Seventeenth Century. For another thing, he is somewhat too prone to view all the phenomena of revolution from the standpoint of the revolutionists, and in the light of their acts: there is something to be said, too, about the acts of their opponents, and it is often quite as important. But despite these defects, which may be easily remedied by the next investigator who undertakes the subject, the book remains a valuable contribution to both historical science and the psychology of the crowd. It opens tracks through a jungle of hitherto confused and unintelligible facts, and the author's conclusions, which are set forth in a succinct and unpretentious manner, are almost always persuasive. The book has a brief introduction by Professor Robert E. Park, of the chair of sociology at Chicago, to whom it is dedicated. Its appearance calls attention to the large number of interesting and valuable works that have come out of late under Dr. Park's imprimatur. His interest is in descriptive sociology, and he

seems to have a quite unusual faculty for unearthing contributors to its data in unlikely places. Dr. Edwards comes from a small denominational college up the Hudson, and until 1914 he was in practice as a clergyman.

He begins his study by tracing the signs that precede the beginning of a revolutionary movement—a general unrest, often inarticulate but usually quite palpable, with a tendency toward emigration, and, a bit later on, public disorder. There is what is called a crime wave. The times, somewhat surprisingly, are apt to be good rather than bad, at all events relatively. At the start the powers that be try to put down the turmoil, and as a rule they have the support of what Dr. Edwards calls the publicists—that is, the professional makers of public opinion. But in time some of the publicists join the side of discontent, and in the end many of the most powerful of them go over. Straightway a heavy responsibility falls upon them. The revolution-in-the-making is now in their hands, and its prosperity depends upon how they guide it. They may "concentrate public anger on the wrong institution or class—on a class or institution not really the cause of the repression" complained of. In that case "revolutionary effort runs up a blind alley" and "the whole movement must be redirected, at a great cost of time and effort." On the other hand, they may lead the mob more sagaciously—and the result will presently be a full-fledged revolution; maybe successful and maybe not. If it succeeds, it invariably runs through three stages. At the start, the moderates have control, and efforts are made at compromise. When they fail the extremists take charge of things, and there is a complete overturn. The third stage is one of

Katzenjammer. The new Utopia turns out to be almost as bad as the old Gehenna, and nearly always a reaction follows, and the ideology of the revolution is gradually abandoned. Eighteen years after the Battle of Edgehill, Monk marched upon London and Charles II was restored to his throne. Eight years after Yorktown the United States Senate debated a resolution to provide a throne for Washington in its chamber. Six years after Louis XVI's head rolled in the sawdust Napoleon Bonaparte became First Consul. And six years after the Bolsheviks delivered Russia from capitalism they adopted their new economic policy.

Perhaps the most surprising thing, to the plain man, in Dr. Edwards' book will be his contention that revolutions are always preceded by periods of relative prosperity and good government—that "people become most resistant of oppression when the actual degree of oppression is least." This seems to go against history, and, what is more, against common sense. It is almost universally assumed that revolution is a despairist movement—that what launches it is a universal conviction that reform is impossible by ordinary means, and that to go on would be intolerable. But Dr. Edwards cites an abundance of facts to show that this is not true. The French peasants of 1789, far from being at the point of starvation, "were the wealthiest, the most intelligent, and the least oppressed peasants in Continental Europe." The American colonies, in 1776, were surely not suffering: on the contrary, they were prosperous, safe, and "better governed under George III than they had ever been under any previous king." Nor were the Russians of 1917 in anything properly describable as a parlous state, despite the evils and hardships flowing out of the war. They were relatively well fed, the war itself seemed to be over, and they had a larger measure of political freedom than they had ever enjoyed before. Moreover, Nicholas II stood ready to give them any further measure of liberty that they demanded: he was even willing to abdicate, and let them set up a

republic. Nevertheless, they overthrew him and butchered him, and presently they were wallowing in Bolshevism—and suffering far more appalling hardships than they had ever suffered under the czars, even under Ivan the Terrible. Revolution, says Dr. Edwards, finds its driving power, not in despair, but in hope.

He notes the fact without attempting to explain it. It seems to me that an explanation may be sought in the conduct of the governing class—that is, in the conduct of what he calls the oppressors. These oppressors, in all states save the most primitive, are constantly menaced by more or less serious threats of revolution. All the preliminary symptoms that Dr. Edwards describes are visible continuously, and often contemporaneously. This is true even in times of the utmost outward tranquility and prosperity, as in the Germany of the years between 1885 and 1914, and in the United States of today. All modern governments devote a considerable part of their energies to detecting and putting down revolutionary movements, and to persecuting persons suspected of a desire to launch them. There are times when such persecutions are few and feeble, but there is no time when they are abandoned altogether. The United States government, at different times, has hunted "monocrats" and democrats, anarchists and Socialists, enemies of the Bill of Rights and friends of the Bill of Rights. My belief is that this hunting, however unpleasant it may be and to whatever extent it may infringe the plain liberties of the free citizen, is necessary—that the moment it is abandoned, revolution, as the Germans say, comes into serious question. One of the essential preliminary steps to every successful revolution, indeed, is weakening and compromise on the part of the "oppressors." The czars were safe so long as they ran Russia like a house of correction, a Southern Baptist "university," or the D.A.R.; they began to move toward disaster the moment they made concessions to liberalism. There would have been no French Revolution, in all

probab
the St
the ag
Mont
would
if Par
ances
in a fe
seekin
than
no G
from
abdic
the p
years
was i
Bol
disca
perha
at bo
ment
is a g
The
alwa
in its
willin
and n
it beg
grave
gover
to pa
follow
despi
restor
tha
than
Tori
again
in, t
the
begin
it th
over
again
of o
lutio
is w
spir
H
Univ

probability, if Louis XVI had not called the States General in 1789, thus yielding to the agitations set up by such publicists as Montesquieu, Voltaire and Rousseau. There would have been no American Revolution if Parliament had not dealt with the grievances of the colonies, real and imaginary, in a feeble and compromising spirit, always seeking to avoid a clash. And it is more than possible that there would have been no German Revolution in 1918, at least from within, if the Kaiser had not weakly abdicated: the election of Hindenburg to the presidency of the new republic six years later showed how little force there was in the democratic movement.

Bolshevism, said Marshal Foch, is a disease of defeated nations. The saying, perhaps, deserves some qualification, but at bottom it is probably sound. A government that has lost self-confidence and vigor is a government doomed to be overthrown. The forces seeking to overthrow it are always in action, searching for weaknesses in its armor. So long as it is competent and willing to deal with them in a forthright and merciless manner it is safe; the moment it begins to compromise with them it is in grave peril. England was safe until the governing oligarchy, taking alarm, began to parley with labor; the General Strike followed almost immediately, and today, despite the frantic efforts of the Tories to restore the old order, it must be obvious that the country is nearer to revolution than any other great state of Europe. If the Tories, as seems likely, are thrown out again and another Labor government comes in, the mob will be on the march. And if the Tories, seeking to avoid that disaster, begin to compromise, they will only bring it the nearer. No government was ever overthrown while it held the offensive against the "oppressed": it is not the fact of oppression that makes successful revolutions, but the confession that oppression is wrong. The first sign of a débâcle is a spirit of conciliation.

Happily, no such spirit is visible in the United States today. Capitalism is not only

firmly in the saddle; it is using its spurs—freely, gaily, and, in a sense, scientifically. There is not the slightest show of yielding to the groups whose projects of reform have a revolutionary smack. Whether they protest against merely legal oppression and propose that the Bill of Rights be restored, or fling themselves against economic oppression and advocate a complete abandonment of what remains of the Constitution, they are alike given short shrift by the constituted authorities. This short shrift, it must be obvious, has overwhelming popular backing. The proletariat, organized into such bodies as the American Federation of Labor, the American Legion and the Ku Klux Klan, supports the campaign of suppression quite as whole-heartedly as the exploiting and parasitic class, organized as Rotary, the Civic Federation, the D.A.R., and what not. Even the farmers, despite their discontents, are true blue here. They march with the Klan and are hot for firing squads for the I.W.W.; they constitute the strength of the Anti-Saloon League and are as well represented as the city mob in the American Legion; no one heard any complaint from them about the butchery of Sacco and Vanzetti; they are unanimously against "foreign agitators." Thus I view the future in America with a considerable complacency. As a member of the parasitic class and a sincere believer in capitalism, I regard my investments as completely safe—at all events, for so long a time as I shall incommode the world with my groans and ribaldries.

Nevertheless, there are signs that the remoter future may bring some surprises. All the preliminary symptoms of revolution that Dr. Edwards describes are now visible in the United States. There is a widespread sense of oppression—so far not coördinated and given a voice, but very real all the same. The peaceable citizen feels a heavier weight of government every day; the army of professional regulators and oppressors grows at a dizzy pace. Moreover, publicists of a sort begin to beat their warning tom-toms, and their

number tends to grow. The farmers of the land, as I have said, were not disturbed by the Sacco-Vanzetti obscenity, and neither were the proletarians of the towns, but among the *intelligentsia* it had painful effects, and there are a great many more highly vocal parlor Reds today than there were before the Lowell committee brought in its historic verdict. Yet more, the country is prosperous—a sinister sign, and unnoted, I believe, before Dr. Edwards began his investigation. On some unfortunate tomorrow a liberal President may get into the White House, and before his term ends there may be a Supreme Court made up wholly of Brandeises and Holmeses. When that day comes it may be well to consider moving to Switzerland, or even to England—or Russia!

Literary Shock Troops

THE AMERICAN CARAVAN: *A Yearbook of American Literature*, edited by Van Wyck Brooks, Lewis Mumford, Alfred Kreymborg and Paul Rosenfeld. \$5. 9¼ x 6¼; 843 pp. New York: The Macaulay Company.

THE idea behind this formidable tome is the idea behind all the *Tendenz* magazines that come and go, to wit, that a great deal of profound and high-toned literature is choked off by the hunkerousness of American editors and publishers. There is, it must be granted, a certain superficial plausibility in this notion. Obviously, there is no room in the *Saturday Evening Post* for the lamentations of such advanced Radicals as Michael Gold and Upton Sinclair, nor is *Harper's Bazar* likely to print a 2000-line poem by Isidor Schneider, nor is the Oxford University Press apt to welcome a volume of incoherent indignation by Dr. William Carlos Williams, or Gertrude Stein, or Wallace Gould. But that is as far as it goes. One does not attend a funeral wearing plus fours, nor a dinner of the Iron and Steel Institute clad in sandwiches denouncing Judge Webster Thayer. Once these revolutionists abandon the cry-baby notion that dissent from their dogmas amounts to a conspiracy to silence them, they must

confess that they are treated to quite a much hospitality as their genius deserves. Even such a chronic martyr as Dr. Williams certainly cannot allege that he has gone unprinted and unhymned. On the contrary, no less than four different publishers, one of them unquestionably solvent, have brought out his books, and he has been represented in almost every number of every *Tendenz* magazine ever heard of. His published work, indeed, must almost match in quantity that of Arthur Brisbane or Sir Walter Scott. More, it has been praised, and in gaudy, voluptuous terms. But here, clad in his familiar white chemise, he bobs up again—and with the same old highfalutin puerilities, as devoid of actual ideas as a college yell.

I have gone through this vast collection with great diligence, but can find no support in it for Dr. Rosenfeld's belief that "the passive and recessive attitude of the leading magazines toward new and racy American work" is blocking "a great variety of national developments." There are some interesting things in the volume, but not many, and all those of genuine merit might have been printed in any one of a dozen highly respectable magazines, every one paying cash on the nail. What is there in Paul Green's one-act play that would have barred it from *Vanity Fair*, or in Eugene O'Neill's—save its dullness—that would have alarmed the editors of the *Yale Review*? I can find nothing. As a matter of fact, most of the revolutionary authors here represented have been printed in the orthodox magazines, and to universal applause. Ernest Hemingway is a contributor to both *Scribner's* and the *Atlantic*, Edna Bryner and Elizabeth Madox Roberts are in extensive practice as short story writers, and some of the others have actually got into the *Saturday Evening Post*. That the poems of Miss Babette Deutsch, Allen Tate, Josephine Strongin, Robert Hillyer, Louis Untermeyer and Carl Rakosi are in "The American Caravan" instead of in the *New Republic*, the *Nation* or the *Century* is surely not due to anything subversive

in their contents: they are, in fact, all so respectable and so flabby that they might have been printed in the Boston *Transcript*. Nor is there anything against God in the critical articles of Thomas Craven and Francis Fergusson, nor in the banal travel sketches of Haniel Long, nor in the shop-worn balderdash of Gertrude Stein. Mr. Craven's essay on painting is precisely like those he has printed in *THE AMERICAN MERCURY*—save that it is by no means so good. Mr. Fergusson's solemn treatise on the genius of T. S. Eliot ends with the schoolma'm conclusion that "in any case we may be sure that his works possesses the enduring though limited value which is the result of loyally following his own lights"—in other words, that Dr. Frank Crane, Edgar A. Guest and Berton Braley are also artists. And what Miss Stein has to say is simply what she has been saying steadily for years, to the enchantment of three generations of Greenwich Village Bolsheviks and wicked suburban club-women.

I am thus forced to conclude that "The American Caravan" is what Hollywood calls a flop. There are sound and amusing things in it, but they are smothered by a vast flood of stale nonsense. I recognize some manuscripts that have been touring the magazine offices since time immemorial. Here they get into type at last, and here they offer embarrassing proof that even magazine editors are sometimes intelligent.

What Constitutes a State?

THE ORIGIN OF THE STATE, by Robert H. Lowie.
\$1.50. 8 1/4 x 5 1/4; 117 pp. New York: Harcourt, Brace & Company.

DR. LOWIE, who is professor of anthropology at the University of California, here continues that laborious and incisive study of basic institutions which he began with his "Primitive Society" and "Primitive

Religion." His present problem has to do with the nature of the state in primitive society. Is it a mere development of the herd, as Eduard Meyer argues, and hence pre-human in its origins, like the family? Or is it, as Franz Oppenheimer believes, a product of conquest, and hence of relatively late genesis?

Dr. Lowie very plainly inclines to the view of Meyer, though rejecting most of his reasoning. There are societies so primitive that, on the surface, they seem to be mere groups of more or less related families, with no central authority and no communal consciousness. But that appearance practically always disappears on closer inspection. It is found that the members of one family village distinguish clearly between the members of the next family village and the people from some remote village, and that the former are felt to be somehow nearer. Interiorly, there may be no permanent government, and no man may have any authority save that which naturally flows from seniority, but in times of danger chiefs inevitably appear, and not infrequently their rule tends to extend itself. When peace is restored they return, at least theoretically, to equality with their late followers. But what if war goes on for a long while, and spreads over a large area? Here, I suspect, the origins of the political state, as we know it today, may be found. The war-chief, flushed with success, refuses to return to the ranks. Thus an aristocracy is set up and the way is prepared for government in the strictest modern sense.

Perhaps Professor Oppenheimer, in "The State," was not so far wrong, after all. His mistake was in viewing conquest as something always imposed from without. But it may be imposed quite as well from within, as the history of every modern state abundantly demonstrates.

THE AMERICAN MERCURY AUTHORS

LOUIS ADAMIC was born twenty-eight years ago in the province of Carniola in what was then Austria, but is now Jugoslavia. He came to this country at the age of fourteen. He served in the United States Army during the war, and for some time thereafter was a bobo. He now writes articles for California newspapers and the magazines.

DUNCAN AIKMAN is an El Paso newspaper man. He has written numerous essays, and some of them were lately collected in a book, "Home Town Minds."

HERBERT ASBURY's article in this issue will form part of a forthcoming book on the history of the New York gangs. He is the author of "Up From Methodism," "A Methodist Saint," and "The Devil of Pei-Ling," the latter a mystery story.

JOSEPH WARREN BEACH is professor of English at the University of Minnesota. His latest book is "The Outlook for American Prose."

ERNEST BOOTH is serving a life sentence for robbery in Folsom Prison, California. He was born in New York City.

W. G. CLUGSTON was born and grew up on a farm near Lexington, Kentucky. He has worked on farms in Texas, Oklahoma and Kansas. As Kansas correspondent for the Kansas City Journal-Post, he is in close touch with agricultural conditions in the Middle West.

HORACE A. DAVIS was born in New Brighton, N. Y., in 1870. He graduated from the Harvard Law School in 1894, and practiced law for the following eighteen years. He is now engaged in business in New York.

BENJAMIN DECASSERES' latest book is "Forty

Immortals." He is an old newspaper man, and for a time wrote for the movies.

W. A. S. DOUGLAS is the Chicago correspondent of the Baltimore Sun, and knows the life of Egypt in Southern Illinois intimately. A biographical sketch of him appears in the Editorial Notes in this issue.

EMMETT REID DUNN, Ph.D. (Harvard), is assistant professor of zoölogy at Smith College.

OLIVER H. P. GARRETT was born in New Bedford, Mass., in 1897. Until recently he was on the staffs of various New York newspapers, his last post being on the World.

JOHN W. OWENS is a Marylander and was educated in the public schools of that State and at the Johns Hopkins. He has had long newspaper experience in Washington and elsewhere, and is now a member of the editorial staff of the Baltimore Sun.

RAYMOND PEARL is director of the Institute for Biological Research at the Johns Hopkins. He is the author of many scientific monographs and books. Some of the latter are "The Biology of Death," "Studies in Human Biology" and "The Biology of Population Growth."

RUTH SUCKOW is the author of numerous short stories and two novels. Her third novel, "The Bonney Family," will be published in the Spring.

F. R. WEBBER is an Ohioan and lives in Cleveland. He is the editor of Lutheran Church Art and a member of the Committee on Church Architecture of the Evangelical Lutheran Synod of Missouri, Ohio and Other States. His first book, "Church Symbolism," is soon to be published.

U
stan
and
abo
Edit
buti
to r
this
not
P
scrip
Am
Fed